

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO				1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 333			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): DEVELOPMENT SERVICES		3. DATE: October 2, 2008 12/09			
4. SUBJECT: Casa Mira View, Project No. 91647							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) John S. Fisher (619) 446-5231, MS-301		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Mike Westlake (619) 446-5220, MS-501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>			
<b>8. COMPLETE FOR ACCOUNTING PURPOSES</b>							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.	1317			No cost to the City. All costs are recovered through a deposit account funded by the applicant.			
ORGANIZATION	1672						
OBJECT ACCOUNT	4038						
JOB ORDER	425739						
C.I.P. NUMBER							
AMOUNT							
<b>10. ROUTING AND APPROVALS</b>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	10/6/08	8	DEPUTY CHIEF	William Anderson	10/1/08
2	EAS	MARTHA BLAKE	10/6/08				
3	ECOP EXEMPT PER MEMO DATED 5/9/06			10	CITY ATTORNEY	J. K. Edwards	10-10-08
4				11	ORIG. DEPT	MIKE WESTLAKE	10/2/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				✓	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION		
7					REFER TO: _____ COUNCIL DATE: _____		
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input checked="" type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1) Council resolution certifying that the information contained in Project No. 91647 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Environmental Impact Report No. 91647 reflects the independent judgement of the City of San Diego as Lead Agency, stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project, certifying the final Environmental Impact Report, adopting the Findings and Statement of Overriding Considerations, and adopting the Mitigation, Monitoring, and Reporting Program. 2) Council ordinance rezoning 56.30 acres in Mira Mesa from RM-3-7 Zone to RM-3-8 Zone. 3) Council resolutions approving the Vesting Tentative Map No. 481936 and Easement Vacation No. 368513. 4) Council resolutions approving the Planned Development Permit No. 294375 and Site Development Permit No. 294373.							
11A. STAFF RECOMMENDATIONS:  Adopt the Ordinance and Approve the Resolutions.							

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 5

COMMUNITY AREA(S): Mira Mesa

ENVIRONMENTAL IMPACT: The City of San Diego as Lead Agency under CEQA has prepared and completed a Environmental Impact Report, Project No. 91647, dated August 28, 2008 and Mitigation, Monitoring, and Reporting Program covering this activity.

CITY CLERK INSTRUCTIONS:

1. Public noticing is required.
2. Return copies of the ordinance, each resolution and permit to John S. Fisher, MS-301.
3. Council action requires a majority vote.
4. The Easement Vacation is being processed in accordance with Streets & Highways Code Sec. 8300, Vesting Tentative Map in accordance with SDMC 125.0450, the PDP in accordance with SDMC 126.0601, and the SDP in accordance with 126.0501.

RECEIVED

CITY CLERK'S OFFICE

08 OCT 13 PM 12:00

SAN DIEGO, CALIF.

CITY ATTORNEY  
08 OCT -7 PM 12:26  
CIVIL DIVISION

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:

REPORT NO.: PC-08-091

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Casa Mira View, Project No. 91647

COUNCIL DISTRICT(S): 5

STAFF CONTACT: John S. Fisher, 446-5231

### REQUESTED ACTION:

Rezone of the property from the RM-3-7 Zone to the RM-3-8 Zone, Easement Vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide and develop 1,848 dwelling units on a 41.31 acre site within the Mira Mesa Community Plan.

### STAFF RECOMMENDATION:

1. **Certify** Environmental Impact Report No. 91647, **Adopt** the Findings and Statement of Overriding Considerations, and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **Adopt** Rezone No. 481935 and **Approve** Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373.

### EXECUTIVE SUMMARY:

The General Plan and Mira Mesa Community Plan designate the site for Medium High Density Residential at a density range of 30-45 dwelling units per acre. The site, within the RM-3-7 Zone, is proposed to be rezoned to the RM-3-8 Zone. The project site is located in an urban setting and is surrounded by existing development and major transportation corridors. Single-family residential subdivisions are located to the north and northwest. Westview Neighborhood Park and Hage Elementary School are located across the street on the west side of Westview Parkway. Mesa Shopping Center and an existing park-n-ride facility maintained by Caltrans are located south of the site. Along the easterly property line is Interstate 15.

The project site was included as part of the development agreement entitled "Development Agreement between the City of San Diego and Pardee Homes Construction Company Negotiated and Entered Into Pursuant to City Council Policy 600-37 Adopted by the City Council on August 8, 1988, and as Amended on September 13, 1988", and is identified as the "Casa Mira View" project. This development agreement was adopted by the City Council by ordinance O-17178 on November 14, 1988. All developer obligations from the DA have been satisfied.

The proposed development would include 1,848 residential multi-family dwelling units within three five-story residential buildings with a combined area of 3,015,560 square feet. Of the 1,848 dwelling units, 185 units would be affordable units through an agreement with the Housing Commission. Of these 185 units, 40 units would be located off-site at the Legacy project in Mira Mesa and the remainder would be on the project site. The project would also be LEED certified.

Staff has reviewed the request for a Rezone, Easement vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit to allow the project and determined the project is consistent with all relevant adopted City Council policies and regulations of the Land Development Code. An Environmental Impact Report has been prepared for the project, Findings and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program are required to approve the proposal. Staff has provided draft findings to support approval of the easement vacation, subdivision map and development permits and draft conditions of approval. Staff recommends the City Council approve the project as proposed.

FISCAL CONSIDERATIONS:

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

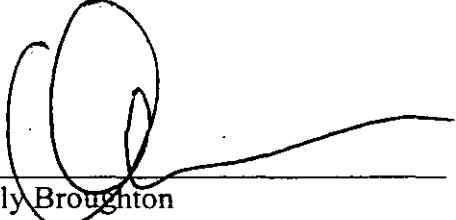
PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

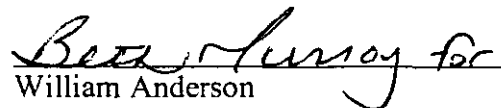
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 2, 2008 the Planning Commission recommended staff's recommendation by unanimous vote of 4:0:0. The Mira Mesa Community Planning Group, on July 21 2008, voted unanimously to recommend approval of the project as proposed.

KEY STAKEHOLDERS: Scripps Mesa Developers, LLC



Kelly Broughton  
Director, Development Services Department



William Anderson  
Deputy Chief Operating Officer:  
Executive Director of City Planning  
and Development

ATTACHMENTS:

1. Report to Planning Commission PC-08-091



333  
12/09

THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** September 4, 2008 **REPORT NO. PC-08-091**  
**ATTENTION:** Planning Commission, Agenda of September 11, 2008  
**SUBJECT:** CASA MIRA VIEW - PROJECT NO. 91647. PROCESS 5  
**OWNER/  
APPLICANT:** Scripps Mesa Developers, LLC (Attachment 17)

### SUMMARY

Issue(s) - Should the Planning Commission recommend City Council approval of the project to allow the development of 1,848 multi-family condominium dwelling units on Westview Parkway in the Mira Mesa community plan area?

#### Staff Recommendation:

1. Recommend City Council **Certify** Environmental Impact Report No. 91647, **Adopt** the Findings and Statement of Overriding Considerations, **Adopt** the Mitigation Monitoring and Reporting Program; and
2. Recommend City Council **Approve** Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373.

Community Planning Group Recommendation - The Mira Mesa Community Planning Group, on July 21 2008, voted unanimously to recommend approval of the project as proposed.

Environmental Review - Environmental Impact Report (EIR) No. 91647 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program has been prepared and would be implemented which would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The applicant has also provided their project's Findings and Statement of Overriding Considerations for significant and unmitigable impacts.



Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed project would provide for the development of 1,848 multi-family condominium dwelling units on an approximately 41.31 acre site in Mira Mesa. Of the 1,848 dwelling units no less than ten percent or 185 dwelling units will be affordable to persons earning no more than 65% of the area median income. The project represents a total gain of 1,848 multi-family dwelling units and a gain of 185 affordable units to the City's housing inventory.

## **BACKGROUND**

The Casa Mira View project site is located in the Mira Mesa community (Attachment 1). The Mira Mesa Community Planning area is approximately 10,500 acres in size and is bounded on the north by Los Peñasquitos Canyon Preserve, on the east by I-15, on the south by Miramar Road, and on the west by Interstate 5 (I-5). More specifically, the 41.31 acre project site is located south of Capricorn Way and an existing residential development, immediately west of I-15, north of Mira Mesa Boulevard, and immediately east of Westview Parkway (Attachment 2). The Mira Mesa Community Plan designates the site for Medium High Density Residential at a density range of 30-45 dwelling units per acre. The site is within the RM-3-7 Zone. The site varies in elevation from approximately 486 to 508 feet above mean sea level. The site is for all practical purposes relatively level. The site has been graded and filled in the past to the existing condition. Two desilting basins are located at the northwest and southwest corners of the site. Approximately 2:1 slopes are present along the western and northwestern portions of the site (Attachment 3). The grading included approximately 20 to 25 feet of excavation and approximately 50 of fill. The previous grading was authorized by the City through a grading permit dated April 25, 1974 and is recorded by the drawing number 16126-D. Since the grading was completed the site has been used by the previous land owner as a stock/stockpile site for surrounding development projects. No other use of the site has been made.

The project site is located in an urban setting and is surrounded by existing development and major transportation corridors. Single-family residential subdivisions are located to the north and northwest. Westview Neighborhood Park and Hage Elementary School are located across the street on the west side of Westview Parkway. Mesa Shopping Center and an existing park-n-ride facility maintained by Caltrans are located south of the site. Along the easterly property line is Interstate 15.

The project site was included as part of the development agreement entitled "Development Agreement between the City of San Diego and Pardee Homes Construction Company Negotiated and Entered Into Pursuant to City Council Policy 600-37 Adopted by the City Council on August 8, 1988 and as Amended on September 13, 1988 (Attachment 4), and is identified as the "Casa Mira View" project. This development agreement was adopted by the City Council by ordinance O-17178 on November 14, 1988.

Pursuant to paragraph 5.2, the Development Agreement vested "...with respect to the subject Property only the permitted use(s) of land, density and intensity of use. The permitted use(s) of land, density and intensity of use shall be for the project with includes 38 single family detached units and 1,826 attached multi-family units in the subdivision commonly know as "Westview" and 1,848 multi-family units in the subdivision commonly known as "Casa Mira View."

In return for these vested rights, Pardee agreed to provide certain extraordinary benefits which included the design and construction of certain public improvements including, but not limited to, portions of Black Mountain Road, all of Westview Parkway and Hage Neighborhood Park. Pardee was reimbursed from the Mira Mesa FBA for the design and construction of the Hage Neighborhood Park. Hage Neighborhood Park is now known as Westview Neighborhood Park. In addition, Pardee agreed to advance partial funding for a number of projects that were included in the Mira Mesa FBA as a means of assuring the necessary funding for the timely construction of these projects. Advance funding, in the form of either cash or a letter of credit, was provided for the Mira Mesa Library, the Community Swimming Pool and the Field House. All of these facilities have either been built or are nearing completion of construction.

In addition to the public improvements listed above, Pardee agreed to make non-reimbursable contributions to the Peñasquitos Canyon Preserve (\$100,000), the Mira Mesa Community Fund (\$1,000,000), and the Mira Mesa Library (\$500,000). All of these contributions have been made to the designated parties. As a result, all the extraordinary benefits identified in the Development Agreement have been extended to the City of San Diego. The Westview project has subsequently been developed. Only the Casa Mira View project has yet to be approved and constructed.

In 1992 when a comprehensive update to the Mira Mesa Community Plan was approved, the land use designation for the Casa Mira View property was identified as Medium-High Density Residential at 35-45 dwelling units per acre. This designation is consistent with the Development Agreement's allocation of 1,848 units for the subject property.

In December 2006, Pardee Homes sold the property to the applicant, Scripps Mesa Developers, LLC. The rights contained in the Development Agreement were subsequently assigned to Scripps Mesa Developers in a document recorded on December 11, 2007 as Document No. 2007-0765314.

A site survey performed by Dudek indicates the site has been completely disturbed and possesses no meaningful habitat value. Dudek conducted a general biological reconnaissance survey of the site on August 22, 2007. During the survey the entire site was covered on foot under favorable conditions. The site is not located within the City's Multiple Habitat Preservation Area.

The property has been previously subdivided. The first recorded map was Mira View Unit No. 1, Map No. 7988, recorded on July 30, 1974. The tentative map number was 71-227. The property was re-subdivided as Casa Mira View by the recording of Map No. 9257. This map was recorded on June 25, 1979. The tentative map number was 78-189. A lot line adjustment parcel map was then recorded over the property following the dedication of Westview Parkway. This

was Parcel Map No. 16194 and was recorded on August 21, 1990. No tentative map was required for this parcel map as it resulted from a public dedication for right-of-way.

The Federal Aviation Administration (FAA) has notified the City that the Airport Land Use Compatibility Plans for all Airports in the City do not include all areas that are subject to Federal notification requirements and structure height limits near airports. Due to the proximity of the project to MCAS Miramar, staff reviewed and calculated the lowest FAA Part 77 elevation as 600 feet AMSL, and the highest ground elevation as 525 feet AMSL. FAA notification is not required, as the structure proposed does not exceed 75 feet in height at this site.

## **DISCUSSION**

### **Project Description**

The proposed development would include 1,848 residential multi-family dwelling units within three five-story residential buildings with a combined area of 3,015,560 square feet (Attachment 5). Of the 1,848 dwelling units, 185 units would be affordable units through an agreement with the Housing Commission. Of these 185 units, 40 units would be located off-site at the Legacy project in Mira Mesa and the remainder would be on the project site. The project would also be LEED certified. The residential project would develop three residential buildings on approximately 41 acres. Pedestrian paseos have been incorporated throughout the project site to promote walking within the residential complex. The paseo begins at the northeast corner of the site at the northern recreation area and continues through the central portion of the site to the southern recreation area. This would allow pedestrian circulation within site and connect each of the buildings. The site is relatively flat, which creates a more walk-able project. The fire access road also promotes walking along the perimeter of the project. Buildings 1 and 2 would each provide 810 units; Building 3 would provide 228 units. The proposed 1,848 residential units would include a total of 718 one-bedroom units, 940 two-bedroom units, and 190 three-bedroom units. Each residential building would provide a mixture of floor plan types and sizes. Each of the three residential buildings would be located in a manner that surrounds the proposed five-story above grade parking structures. Each parking structure would provide the parking required for each respective residential building. The project would provide a total of 3,456 parking spaces dispersed in three parking structures.

The project requires several discretionary actions to implement the project. These include a vesting tentative map (VTM), a site development permit (SDP), a planned development permit (PDP), a rezone (RZ), and several easement vacations. With the application of the Planned Development Permit the applicant has requested four specific deviations from the regulations of the RM-3-8 Zone, all of which have been determined to provide a more desirable project than could be achieved through the strict observance of the RM-3-8 Zone development regulations. The deviations requested are to: increase the building height; reduce the floor area ratio for the parking structure; increase the noise wall height in the side yard setback; and construct carports on the parking structure deck in lieu of planting trees in containers. The development proposes to vacate several unnecessary public wastewater and water easements located on the site (Attachment 6). The project would construct new wastewater, water, and drainage improvements to support the development.



## Architectural Design

The three residential buildings would be the dominant structures on the project site. The color scheme of the buildings consists of earthen tones. A lighter color scheme is used on the first floor soffit areas in contrast to the exterior finishes on the walls to brighten the walkway entrances. Each residential unit would consist of one, two, or three bedrooms and would contain a balcony and/or patio area, dependent upon which level the residential unit is located. Other building features include enhanced material, metal railings, vinyl windows, and stucco color.

A total of four architectural styles have been designed for the project: Modern Mediterranean, Modern Italian, Eclectic, and Spanish (Attachment 7). These architectural styles would provide an individual character for each building area. The Mediterranean style has a sloped roof with Spanish tile, and rectangular window and entrance openings. The Italian style has a sloped roof with green tile, and arched window and entrance openings. The Eclectic style has a flat roof, and rectangular window and entrance openings. The Spanish style has a sloped roof with Spanish tile, and arched window and entrance openings. All styles include balconies.

Each of the three residential buildings would completely surround the five-story above grade parking structure. The parking structures would provide the required parking for each respective residential building. The project would provide a total of 3,456 automobile parking spaces within the three parking structures. In addition, the parking structures would provide motorcycle and bicycle spaces for the residents. The parking structures would not be connected to each other. Vehicular access to parking structures 1 and 2 would be provided from the main entrance to the project site between residential buildings 1 and 2. Access to parking structure 3 would be provided via the proposed private driveway for residential building 3. The three parking structures would total 1,130,440 square feet. On the top deck of each parking structure, carports would be provided over the parking areas. The carports would be approximately eight feet high, and be constructed of a light-gauge corrugated metal. The carports would be color coated to blend architecturally with the parking structure. In addition to the three parking structures, the project would provide ground level surface parking spaces designated for mail, guests and loading purposes.

## Proposed Deviations

### Height:

The maximum building height proposed with this project deviates from the regulations at several isolated locations. The maximum height would be 64 feet 7 inches above the proposed finish grade where 50 feet is otherwise allowed. However, building height is measured from either the pre-existing grade or proposed finish grade whichever is lower. In this case the pre-existing grade is lower and the maximum proposed building height would be 80 feet in those limited isolated locations. While the elevation of the flat roofs is much closer to the 50 foot requirement, the increased height permits greater flexibility for the design of the roofline; allows for more articulation of the parapets and turrets above the roofline; and provides an opportunity to increase the amount of open space being provided by the project by reducing the buildings footprint and

conserving the ground plane for other uses. Increasing the height of the buildings would also allow for an increase in the overall setbacks of the proposed buildings to the adjacent property lines. While the entire project meets the required setback requirements, the increase in allowable building height enables the project to greatly exceed the setback requirements. This would result in greater opportunities for providing landscaped spaces and increasing the area of those spaces within the project and along the adjacent streets: Westview Parkway and Interstate 15. When the density for the site was established by the development agreement approximately twenty years ago, there was at that time no height limit for the previous zone. Height limits on the proposed site were not introduced into the Land Development Code (LDC) until 2000 when the LDC was adopted. If the buildings were reduced in height by even one entire floor, the same project, consisting of the same number of units and unit square footage, would consume an additional 201,110 square feet of the site or 4.62 acres. The reduction in height, usable open space and building setbacks to strictly comply with the LDC zoning development regulations is not supported by staff's analysis of the project and may be permitted if the necessary findings are supported. City staff has determined the necessary findings can be supported.

#### Parking Garage Floor Area Ratio:

The second deviation request is to develop less than 33% of the minimum required Floor Area Ratio (FAR) for the structured parking and to devote some of the saved FAR to living space. The efficiency of the architecture proposed by this project results in parking structures which occupies less than 33% of the total required minimum FAR. In addition, the structured parking will not be visible from outside the development. Granting the deviation to develop less than thirty-three percent of the minimum required FAR for the structured parking would result in a greater opportunity to provide usable open space within project. The project is proposing to develop 27.9% of the available FAR for structured parking. The FAR being utilized for all remaining buildings is 68.9% of the allowable FAR, where a maximum of 66.7% is otherwise allowed. However, overall, the project is only using 96.8% of its allowable FAR. Even though the proposed buildings would exceed their FAR allowance by approximately 2%, overall the project would develop less than the maximum FAR allowance, in part because the project proposes to provide more efficient parking structures. Staff has determined the requested deviation may be supported and would result in the imaginative and innovative planning of the project; to assure the development achieve the purpose and intent of the Mira Mesa Community Plan; and the deviation would be preferable to what would be achieved by strict conformance with the RM-3-8 Zone development regulations.

#### Noise Wall Height:

The third deviation request is to place an eight foot noise wall within the southerly side yard setback, where a maximum height of six feet is allowed. At this specific location on the site the setback area is very wide, measuring 59 feet in width. The proposed noise wall is necessary to protect the recreational uses that are allowed within this side yard setback area. The noise wall would not be visible from any public right-of-way or other public vantage point. To realize the positive benefits accrued to residents and visitors from outdoor recreation amenities provided on the site and in consideration of the fact that the proposed wall will not be visible from any public

vantage point, staff supports the proposed deviation to allow the proposed noise wall to exceed the maximum height of six feet.

#### Carports:

The fourth and last deviation request is to allow construction of carports for all parking spaces located on the top deck of each parking structure in lieu of complying with the tree distribution requirements by planting trees in containers placed on the decks. Carports would provide superior parking spaces to the fifth floor residents by providing covered parking. In this way all parking spaces available to all residents would be shaded and covered rather than only spaces assigned to residents parking on levels one through four. Trees installed in containers on the top deck of the parking structure would not reach the height or breadth which could provide a meaningful amount of shade. To achieve covered parking for all residents as a project benefit, staff supports the proposed deviation to allow carports in lieu of providing trees on the roof deck of the parking structures.

City staff have determined the necessary findings can be supported and recommend supporting the requested deviations to comply with the purpose and intent of the Planned Development Permit Regulations which state: "The purpose of these procedures is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations." Furthermore, as proposed, the project is consistent with the land use designation contained in the Mira Mesa Community Plan and the approved Development Agreement for Westview/Casa Mira View.

#### Circulation

Access to the project site would be provided from three separate driveways along Westview Parkway (Attachment 8). Two of the three driveways would be provided for private access; the third driveway would be restricted to emergency vehicle access only. Within the project site, private vehicular access would be provided from the private driveways directly to the parking structures and other parking features associated with each building area. The three separate driveways are discussed in detail below.

The main point of access would be at a new signalized driveway at the northerly entrance to the site. This driveway would provide access to Buildings 1 and 2. This access point would be situated opposite a new, relocated driveway to the parking lot for Westview Park. The second access point would be provided by extending the intersection of Westview Parkway and Galvin Avenue easterly, as a private driveway. This driveway would be required when Building 3 is constructed. The existing traffic signal at this intersection would be modified to a full four-way signal concurrent with this extension. The emergency-only access point would be located just north of the main entrance along Westview Parkway. With the exception of the guest parking areas, located adjacent to the project entrances, the perimeter of the project site would be restricted to emergency vehicle, pedestrian, and bicycle access only. Pedestrian paseos have been

incorporated throughout the project site to promote walking within the residential complex. In addition, several mini-parks, seating areas, playing areas, tennis and basketball court areas, and pools are located throughout each building area.

Other circulation features proposed include a shuttle service to nearby commercial areas of the community. Shuttle service would encourage the use of mass transportation and provide an alternative means of transportation to nearby shopping facilities and other points of interest for residents of the project. The shuttle service would pick up and drop off residents at their respective residential building areas. Transportation Demand Management (TDM) is a general term for strategies that assists in reducing the use of single-occupant vehicles to increase the efficiency of existing transportation resources. The proposed project would include several TDM measures to improve the efficiency and safety of the transportation system and help reduce vehicle emissions that degrade air quality. The TDMs incorporated into the proposed project include: Transit shuttle services to regional activity centers; RideLink information bulletin boards in central locations, encouraging alternative transportation programs and/or public transit available to the area; provide bicycle storage facilities for the residents, and creation of a TDM association and/or coordinator. The TDM association or coordinator would ensure the latest bus schedules have been posted, provide information on carpooling and ridesharing, coordinate with Metropolitan Transit System to provide a bus stop adjacent to the project site, and send an annual Rideshare/transit newsletter to residents.

#### Recreation amenities

The proposed recreational features of the project would include the development of recreational club houses, recreational centers, swimming pools, cabanas, mini-parks, play areas, seating areas, outdoor living room areas, barbeque areas, courtyards, and pedestrian walkways or paseos dispersed throughout the three residential areas (Attachment 9). The proposed club houses would include a corner resident-serving only convenience store, lobby, leasing offices, staff offices, community room, conference room, theater, aerobics room, racquetball court and changing rooms. Outdoor recreation areas would include lap pools, tennis courts, basketball courts, and a bicycle lane along the perimeter of the site. The project would include five separate swimming pool areas, five play areas, ten mini-parks, and eight open play lawn areas. These areas are located across the total project area. In addition, there is a tennis court located at the northeast corner and a basketball court on the south end of the project.

#### Landscape Concept

The landscape plan would complement and enhance the proposed architecture while providing usable landscape spaces (Attachment 5). The streetscape along the front elevations of the building facing Westview Parkway would be an enhanced urban streetscape. The project would provide wide walkways and double the number of street trees in pairs. The landscape plan includes a combination of trees, shrubs, and ground cover designed to provide passive and active recreation for residents and support social interaction along active streetscapes, at pools, play areas, and mini-parks. The proposed plant palette includes shade trees such as Carolina Cherry (*Prunus caroliniana*), slope trees such as Coast Live Oak (*Quercus agrifolia*) and Coral Tree (*Erythrina caffra*). The streetscape design along Westview Parkway includes trees such as

London Plane Tree (*Plantanus acerifolia*), Coral Tree, vines such as Kangaroo Paws (*Anigozanthus flavidus*) and Hall's Honeysuckle (*Lonicera japonica 'halliana'*), and flowering shrubs such as Daylilies (*Hemerocallis 'Evergreen Orange'*). The proposed landscaping plan would exceed the requirements of the City-wide Landscape regulations. A pedestrian paseo plan has been incorporated into the project design to promote walking within the residential complex. The landscape plan identifies Queen Palms (*Arecastrum romanzoffianum* or *Cocos plumosa*) and Mexican Fan Palms (*Washingtonia robusta*) as the typical trees to be planted along the pedestrian paseos. Mini-parks would be constructed throughout each residential area, located mainly in between the residential units. The mini-parks would typically be landscaped with lawn, play areas and Queen Palms or swimming pools. Some courtyards would include sculptures and Coral Trees where appropriate. An emergency fire access road would occur along the perimeter of the property for necessary emergencies and may also be used by residents as a foot and bicycle trail. The emergency access road would have a meandering pattern of color and texture to encourage use as a walking, jogging and bicycle trail. The trees along the emergency access road include Date Palm (*Phoenix dactylifera*), Queen Palm (*Arecastrum romanzoffianum* or *Cocos plumosa*), Mexican Fan Palm (*Washingtonia robusta*), Carolina Cherry (*Prunus caroliniana*), Goldenrain (*Koelreuteria paniculata*), and Bradford Pear (*Pyrus calleryana*).

### Grading

The site ranges in elevation from approximately 486 feet to 508 feet above mean sea level (AMSL). The relatively flat site was graded and filled by the previous owner of the property over an approximately twenty year period. The resulting site is currently a relatively flat pad with approximately 2:1 slopes along the western and northwestern property lines.

Additional grading would be required to accommodate the development. Approximately 334,000 cubic yards of material would be imported to level the site at approximately 500 to 511 feet AMSL. Based upon preliminary engineering estimates no export material is anticipated. Approximately 1,522 cubic yards of fill material is estimated to be created per day. Mass grading activities would be anticipated to commence within six months following approval of the project and last for the duration of one year. The location of necessary import material has not yet been determined.

### Community Plan Analysis

The project site is designated Medium-High Density, 30-45 dwelling units per net acre, by the Mira Mesa Community Plan (Plan) (Attachment 1). This is the highest residential density range proposed in the Plan. Areas designated for medium-high density consist of relatively large parcels that offer wide latitude in site design and building type. Medium-high density development is proposed for sites with convenient access to freeways, major streets, public transit, commercial services and recreational uses. The proposed project complies with the requirements of medium-high density development as detailed below.

The project site is located between Interstate 15 to the east and Westview Parkway on the west. Westview Parkway is classified as a four-lane collector street by the community plan and has been improved to this classification. Transit opportunities for prospective residents of the project

include numerous local bus lines along Mira Mesa Boulevard connecting to the Sorrento Mesa employment area and regional bus lines along Interstate 15. Additionally, Caltrans' Managed Lanes Project and Sandag's Direct Access Ramp (DAR) project are anticipated for completion in 2012. These improvements would provide future residents of the project site and the surrounding area with direct access to carpool, bus rapid transit and Fast Trak express lanes along Interstate 15.

Directly south and southwest of the project site are community commercial and neighborhood commercial uses within walking distance of the proposed project. These commercial uses are easily accessible using the public sidewalks along Westview Parkway. Examples of the community commercial uses include, but are not limited to: general apparel and merchandise sales, movie theatres and furniture sales. Examples of the neighborhood commercial uses include: grocery stores, beauty parlors, restaurants, dry cleaners, financial services and service stations. Hage Neighborhood Park is located directly to the west of the site across Westview Parkway. Hage Neighborhood Park would provide recreational opportunities for the project residents in addition to the on-site recreational facilities the project would provide if approved.

The Plan does not provide substantial design recommendations for large residential developments in the community. As such, due to its size and location, staff worked closely with the applicant to ensure the recommendations of the Urban Design Element of both the 1979 Progress Guide and General Plan and the recently updated 2008 General Plan were incorporated into the design of the project.

The project design proposes four architectural themes and color palettes that alternate across each elevation to interrupt the perception of a large expanse of repetitive design or color. By varying the roof heights and creating off-setting building walls in the horizontal plane architectural interest of the project is enhanced and the pedestrian experience and neighborhood character would be improved. The project has also been designed to exceed the required useable open space. The proposed on-site open space would provide play areas, recreation and social activity areas. These open space areas have been designed to connect through a hierarchy of walkways. The walkways are designed to achieve openness, accessibility and encourage walking in and around the project site.

### Environmental Analysis

An Environmental Impact Report (EIR) was prepared pursuant to the California Environmental Quality Act (CEQA). The environmental process studied the potential of the proposed project to create impacts to Land Use, Traffic and Circulation, Air Quality, Public Facilities and Services, Noise, Paleontological Resources, Biological Resources, Aesthetics, Neighborhood Character, and Visual Quality, Water Quality, Geologic Conditions, and Energy Conservation. The EIR determined the proposed project would have the potential to create significant impacts in the following areas: Traffic/Circulation, Air Quality, Public Facilities and Services, Noise, Paleontological Resources and Biological Resources. These potential impacts would be reduced to a level of insignificance by the adoption of the proposed Mitigation Monitoring and Reporting Program (MMRP) as a condition of approval. Several environmental topics were not found to be significant, including: Land Use, Aesthetics/Neighborhood Character/Visual Quality, Water

Quality, Energy Conservation, Geological Conditions, Agricultural Resources/Natural Resources/Mineral Resources, Historical Resources, Water Conservation, and Human Health/Public Safety/Hazardous Materials. Implementation of the MMRP would reduce the environmental effects of the project to below a level of significance with the exception of significant, unmitigated impacts related to traffic and circulation, air quality, public services and noise.

According to the Multiple Species Conservation Program disturbed land is considered a Tier IV habitat type for which mitigation is not required. No special status plant species are present or expected on the site. No jurisdictional waters are present on the site. The site is not part of a habitat or wildlife corridor. Thus no impacts would accrue to these resource types should development of the site proceed. Some bird species may be present or potentially present on the site, yet were not observed. These birds may nest within the line of trees along the eastern fence line. These species may include raptors and a variety of songbirds. One special status bird specie, California horned lark, has the potential to nest on the site, yet since the site is nearly barren the bird is not expected. Without adequate vegetative cover the bird is not expected to nest on the site. Grading of the site during the California horned lark breeding season, typically March 15 to August 15, could potentially impact the specie if it is in fact present. The potential for impacts to raptors and migratory birds also exists and would require a similar survey prior to removal of any trees. As a precaution a nesting bird survey would be required prior to 72 hours of any vegetation clearing. If nesting birds are found as a result of either survey, the complete avoidance of any disturbance until juvenile birds have fledged is a requirement of the proposed Mitigation Monitoring and Reporting Program.

Due to the lack of biological resources on the site, implementation of the proposed project would not contribute to a cumulative loss of biological resources within the City. The site is not located within the City's Multiple Habitat Preservation Area. Development of the site would not result in significant impacts to biological resources if mitigation contained in the Mitigation Monitoring and Reporting Program is adopted as proposed.

Comment letters received during the Notice of Preparation public scoping period for outlining the scope of the EIR expressed concern about impacts to transportation/circulation and aesthetics/neighborhood character/visual quality. These concerns have been identified as areas of known controversy and are analyzed in the EIR. The conclusion of the EIR is that the proposed project would create significant environmental impacts which would be mitigated and some which would not. To approve the proposed project requires the adoption of Findings and Statement of Overriding Considerations and adoption of the Mitigation Monitoring and Reporting Program.

## **CONCLUSION**

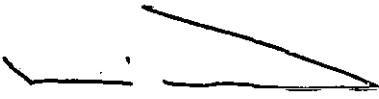
Staff has reviewed the request for a Rezone, Easement vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide the site 41.31 acre for condominiums and develop 1,848 multi-family dwelling units. All issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. An Environmental Impact Report has been prepared

for the project, Findings and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program would also be required. Staff has provided draft findings to support approval of the easement vacation, subdivision map and development permits (Attachment 11 and 12) and draft conditions of approval (Attachment 11 and 13). Staff recommends the Planning Commission recommend to the City Council approval of the project as proposed.

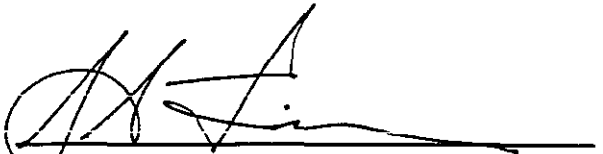
### **ALTERNATIVES**

1. **Approve Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373, with modifications.**
2. **Deny Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake  
Program Manager  
Development Services Department



John S. Fisher  
Development Project Manager  
Development Services Department

BROUGHTON/JSF

### Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Vicinity Map
4. Development Agreement Document No.2007-0765314 (available under separate cover)
5. Project Landscape Plan
6. Vesting Tentative Map
7. Architectural Elevations
8. Site Plan
9. Examples of project recreation amenities
10. Project Plans (available under separate cover)
11. Draft Map Conditions and Subdivision Resolution
12. Draft Resolution with Findings
13. Draft Permit with Conditions
14. Draft Rezone Ordinance
15. Rezone Drawing, B-4269



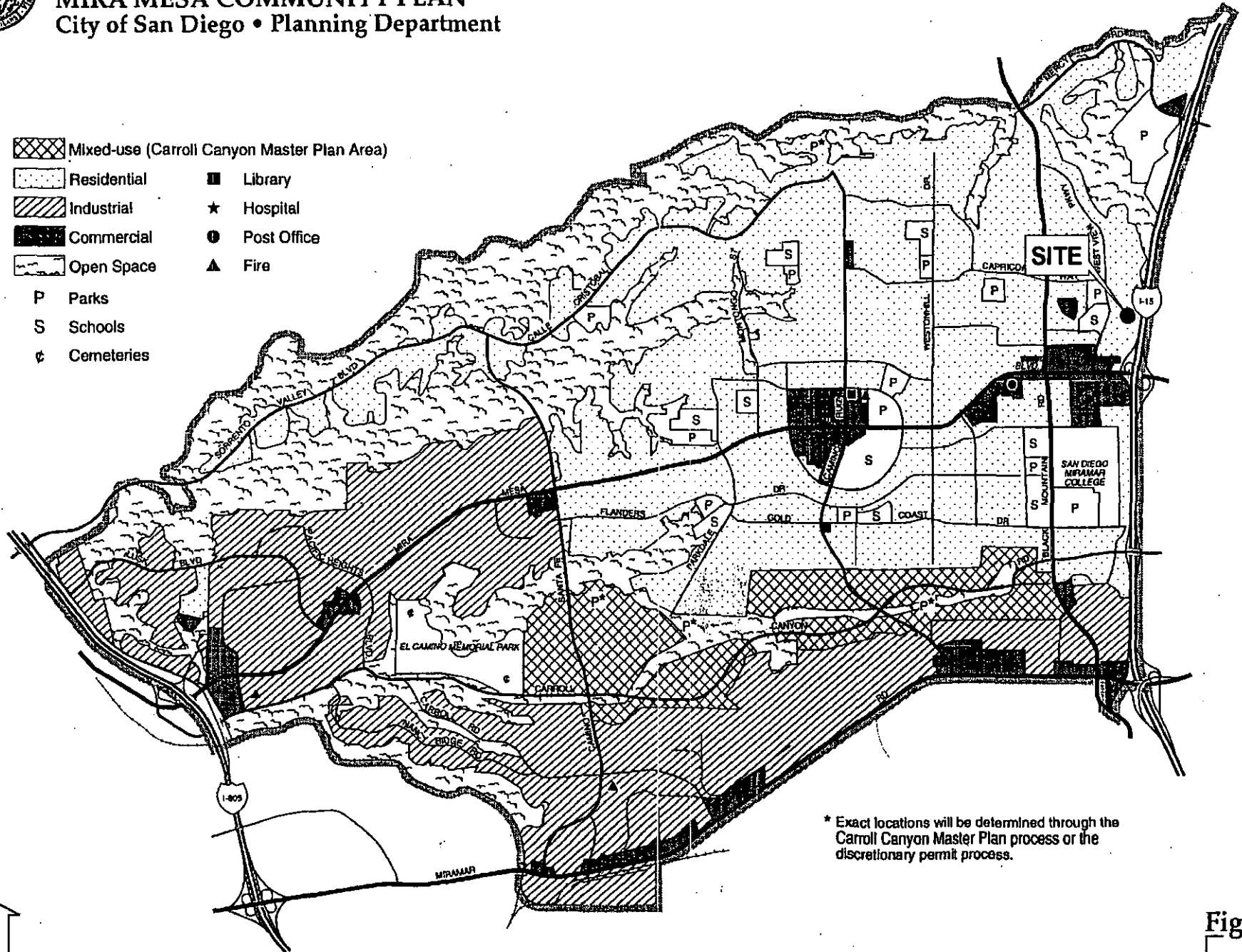
16. Community Planning Group Recommendation
17. Ownership Disclosure Statement
18. Project Chronology
19. Project Data Sheet
20. San Diego Housing Commission letter, dated August 19, 2008



# Land Use Map

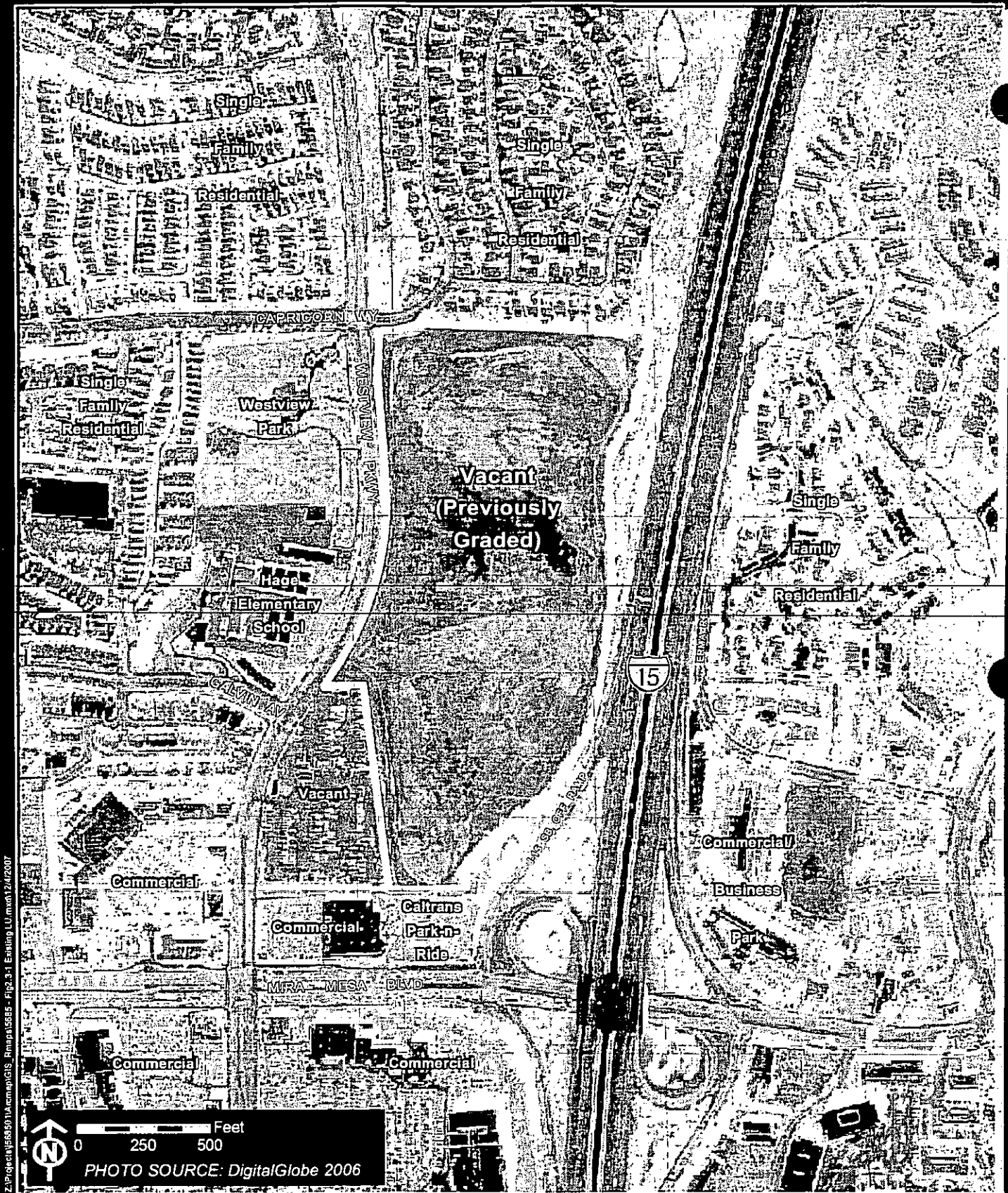
MIRA MESA COMMUNITY PLAN  
City of San Diego • Planning Department

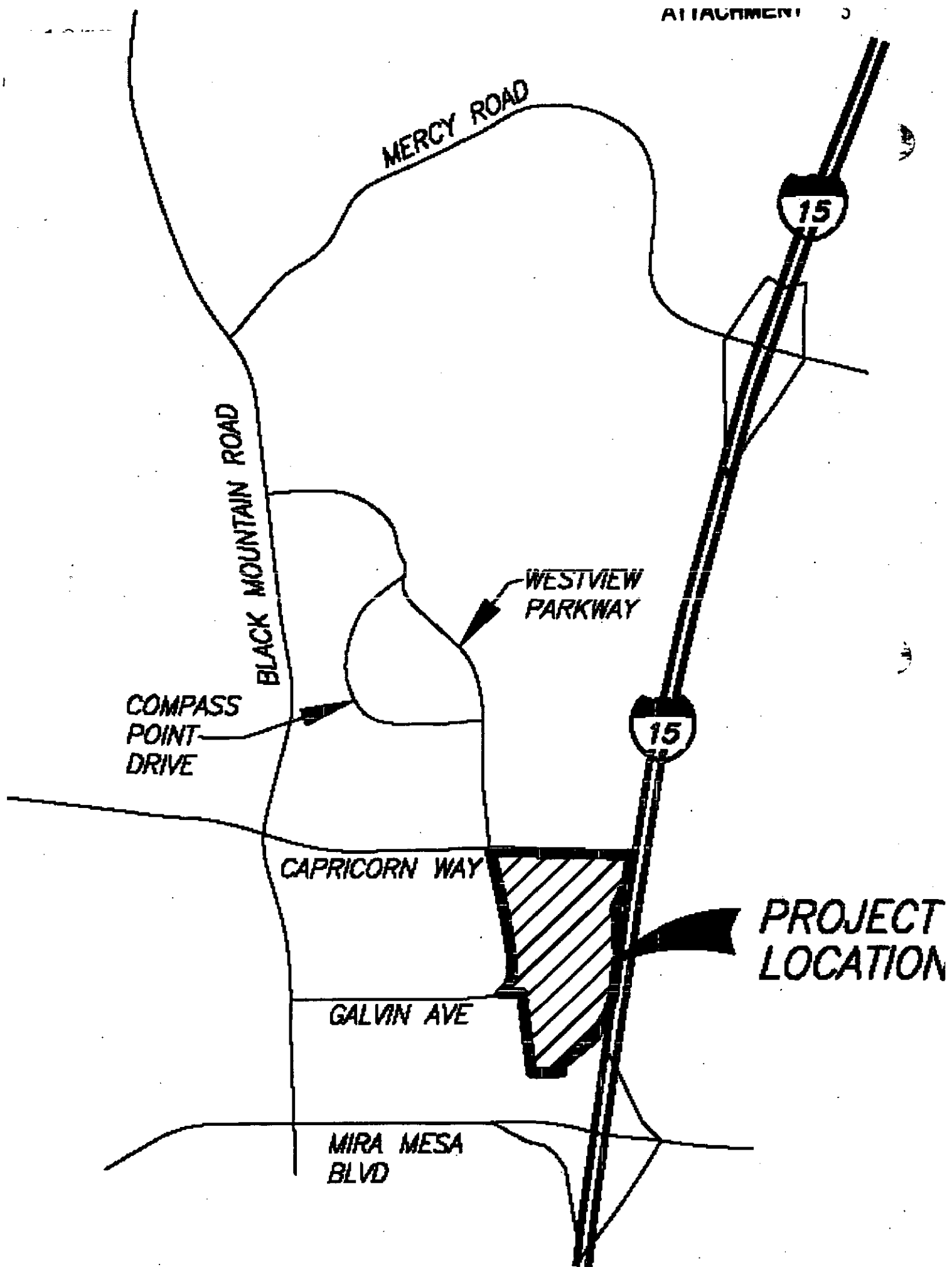
- Mixed-use (Carroll Canyon Master Plan Area)  
■ Residential  
■ Industrial  
■ Commercial  
■ Open Space
- Library  
★ Hospital  
● Post Office  
▲ Fire
- P Parks  
S Schools  
¢ Cemeteries



\* Exact locations will be determined through the Carroll Canyon Master Plan process or the discretionary permit process.

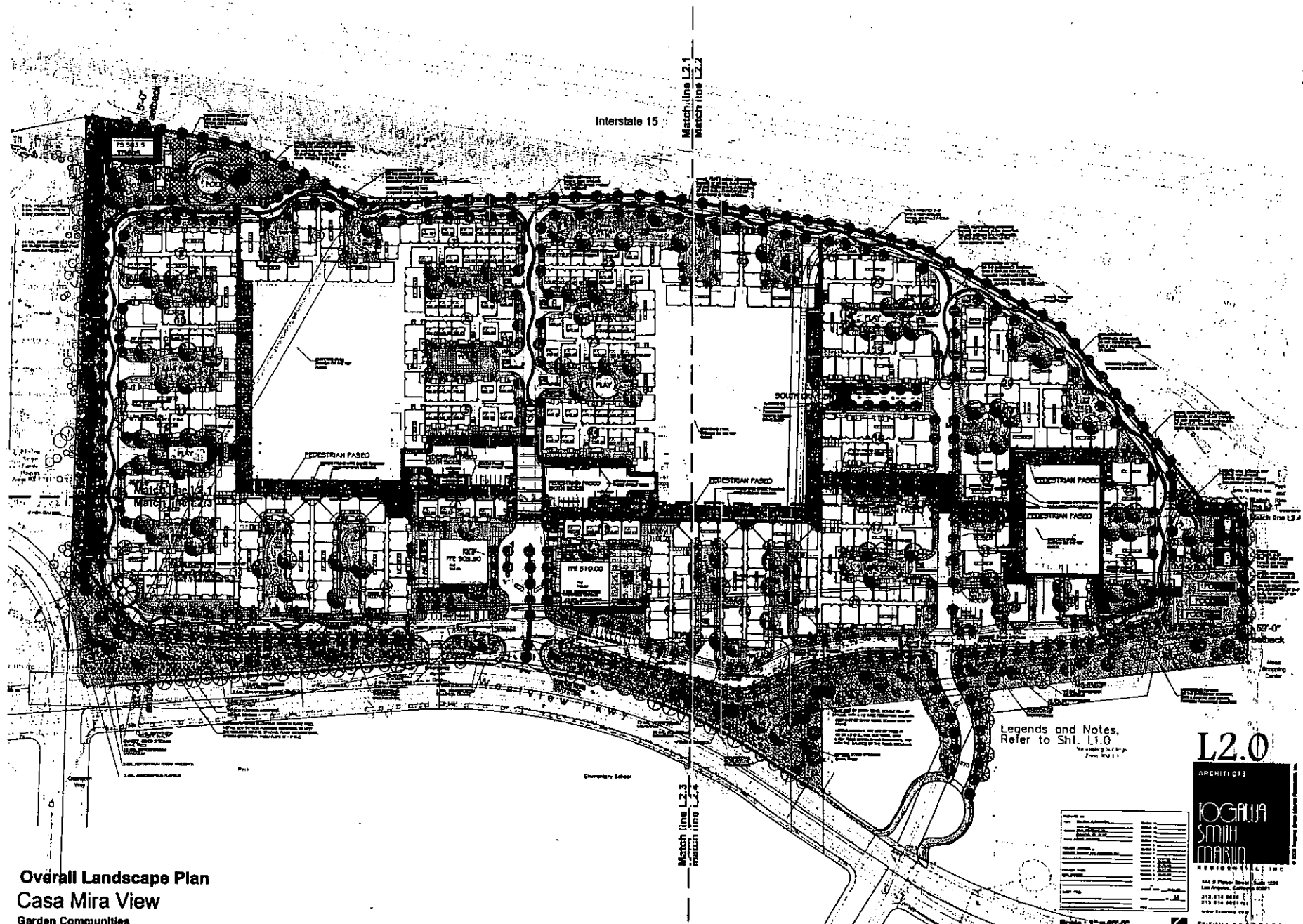






# Development Agreement Document No. 2007-0765314

(available under separate cover)



**Overall Landscape Plan**  
**Casa Mira View**  
**Garden Communities**

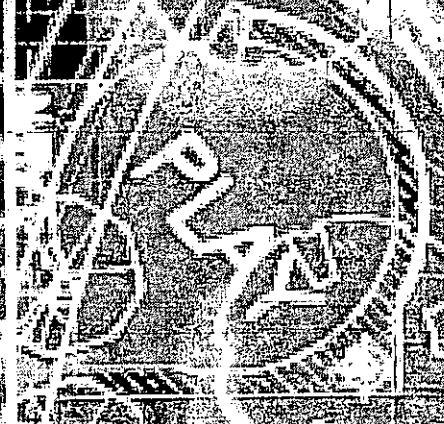








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FS 504  
BASKETBALL

OUTDOOR  
LIVING ROOM

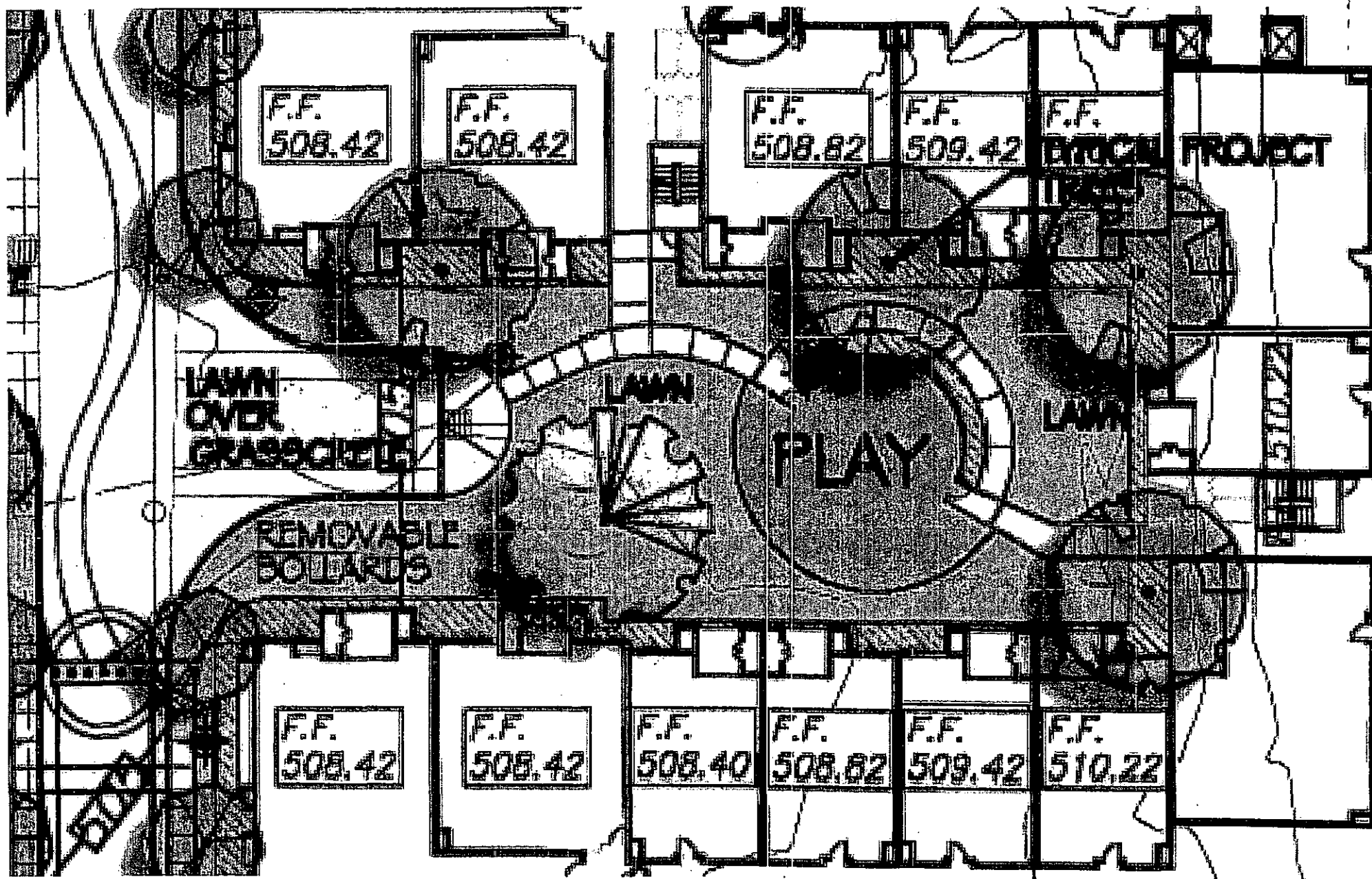
FS 505

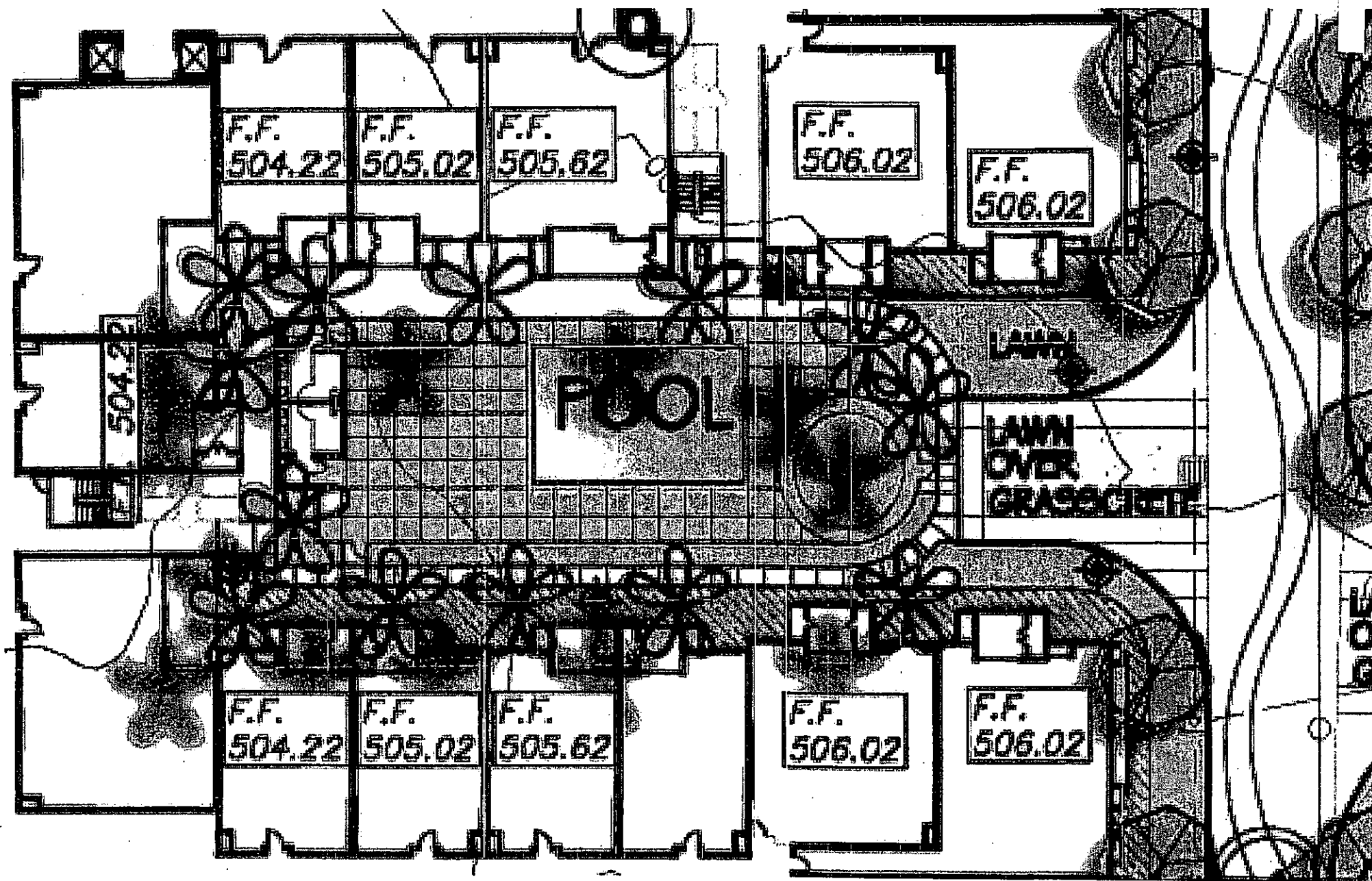
POOL

POOL

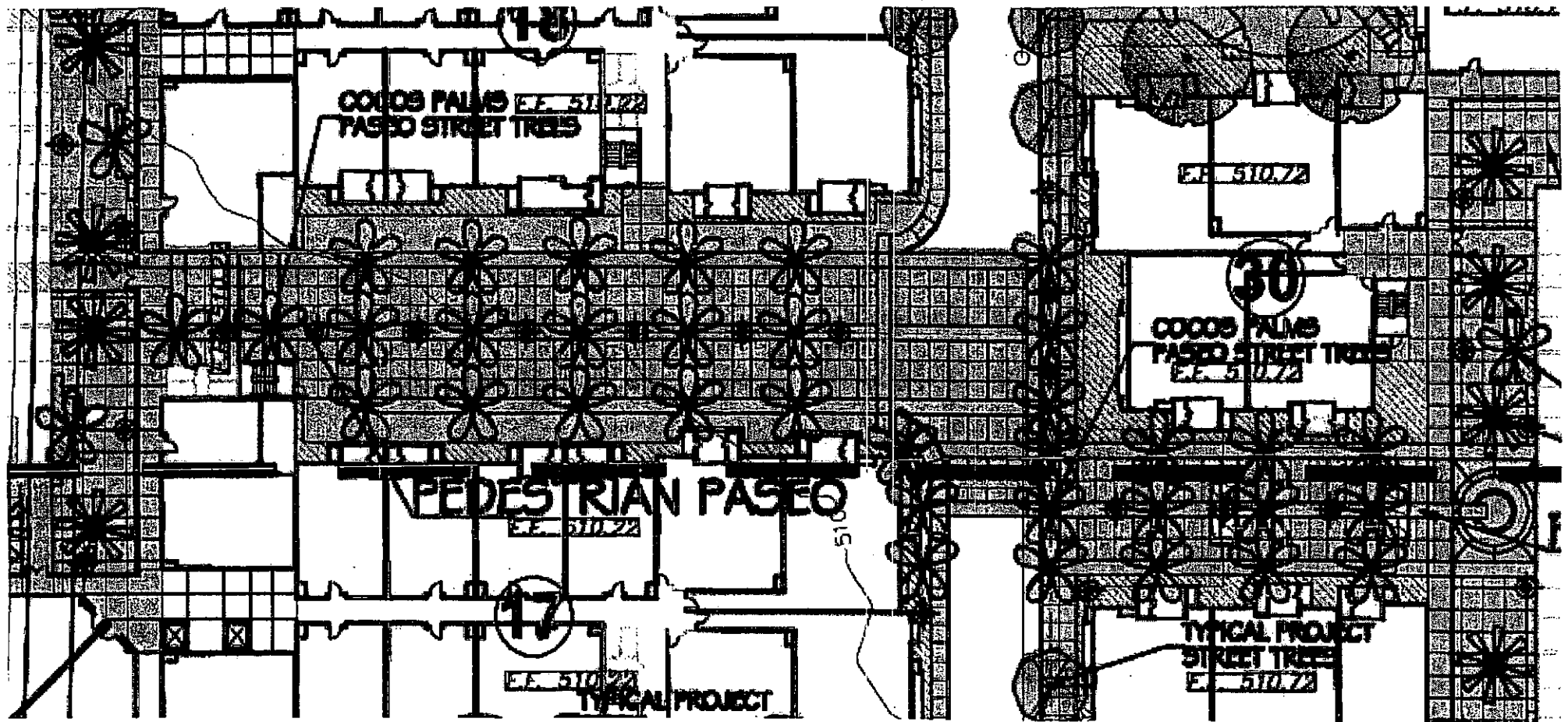
POOL

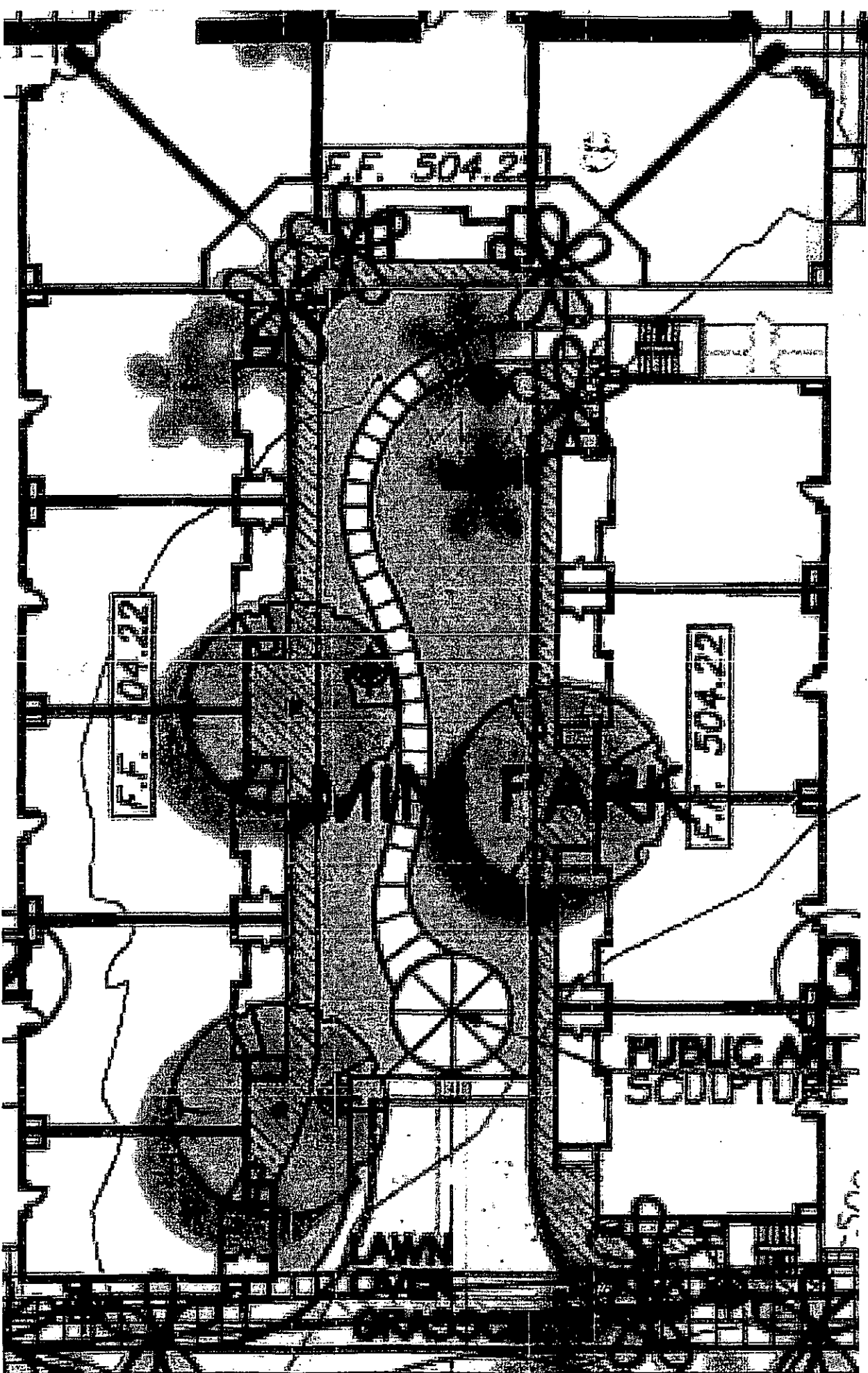
Call 1-800-451-1234  
for more information













## Project Plans

(available under separate cover)



CITY COUNCIL RESOLUTION NO. – RESO NO.  
VESTING TENTATIVE MAP NO. 481936  
CASA MIRA VIEW - PROJECT NO. 91647  
**DRAFT**

WHEREAS, SCRIPPS MESA DEVELOPERS, LLC, Subdivider/Applicant, and JOHN D. LEPPERT, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map No. 481936 and Easement Vacation No. 368513, for the subdivision of land to develop a condominium project with 1,848 condominium units. The project site is located on the east side of Westview Parkway, north of Mira Mesa Boulevard, legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the RM-3-7 zone which is proposed to be rezoned to the RM-3-8 zone in the Mira Mesa community plan area; and

WHEREAS, the Map proposes the subdivision of a 41.31 acre site into one lot for condominium development; and

WHEREAS, Environmental Impact Report No. 91647 was prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 1,848; and

WHEREAS, on DATE, the Planning Commission of the City of San Diego considered Vesting Tentative Map, No. 481936 and Easement Vacation No. 368513, and pursuant to Resolution No. PLANNING COMM. RESOLUTION NUMBER-PC voted to INSERT EITHER "recommend City Council approval of the map" OR "approved/denied the map"; and

WHEREAS, on HEARING DATE, the Council of the City of San Diego considered Vesting Tentative Map, No. 481936 and Easement Vacation No. 368513, and pursuant to Sections 125.0440 and 125.0430 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map, No. 481936 and Easement Vacation No. 368513:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. The property contains an easement which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 481936 and Easement Vacation No. 368513, is

## INSERT APPROVAL DATE

hereby granted to SCRIPPS MESA DEVELOPERS, LLC, Subdivider/Applicant, subject to the following conditions:

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of EASEMENT DESCRIPTION, located within the project boundaries as shown in Vesting Tentative Map No. 481936, shall be vacated, contingent upon the recordation of the approved final map for the project.

**GENERAL**

1. This Vesting Tentative Map will expire [INSERT DATE - 3 YEARS FROM DECISION DATE].
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 294375 and Site Development Permit No. 294373.
5. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Subdivider of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Subdivider shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Subdivider shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Subdivider regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by Subdivider

**AFFORDABLE HOUSING**

6. Prior to the recordation of the Final Map, the Subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

## ENGINEERING

7. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
10. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
11. The Final Map shall comply with the provisions of Planned Development Permit No. 294375 and Site Development Permit No. 294373.
12. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map is subject to approval by the City Engineer, including the realigned storm drain and its appurtenances for maintenance.
13. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's account number and Drawing number. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
14. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
15. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map.

16. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
18. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
21. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## MAPPING

22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the

**INSERT APPROVAL DATE**

California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

23. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

24. The Final Map shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**WASTEWATER AND WATER**

25. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.

26. The Subdivider shall abandon the existing onsite public sewer main in the south portion of this lot or it will be converted to private, satisfactory to the Director of Public Utilities. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

27. The Subdivider shall provide evidence, satisfactory to the Director of Public Utilities, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

28. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

29. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
30. All onsite sewer facilities shall be private.
31. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance; including meters, blow offs, valves, fire hydrants, et cetera, for all public water facilities that are not located within fully improved public rights of way, satisfactory to the Director of Public Utilities.
32. Prior to recording the final map, the Subdivider shall properly abandon the portions of existing 12-inch diameter water main per City drawing number 16126-D which traverses the site in a manner satisfactory to the Director of Public Utilities.
33. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead end main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.
34. *The Subdivider shall design and construct all irrigation systems to utilize reclaimed water in a manner satisfactory to the Director of Public Utilities.*
35. The Subdivider shall provide CC&Rs for the operation and maintenance of on site private water facilities that serve or traverse more than one lot or unit.
36. The Subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements in accordance with established criteria in the most current edition of the City San Diego Water Facility Design Guidelines and regulations, standards, and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private.
37. Prior to the approval of any public improvement drawings, the Subdivider shall provide acceptable potable and reclaimed water studies satisfactory to the Director of Public Utilities. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.

**INFORMATION:**

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities, including services, fire hydrants, and laterals, then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,  
CALIFORNIA, ON HEARING DATE [IN CAPS].

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

ATTY/SEC. INITIALS  
DATE



Project No. 91647  
VTM No. 481936  
INSERT APPROVAL DATE

Attachment 11

R- INSERT  
Reviewed by John S. Fisher

Job Order No. 425739

(R-INSERT)

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, Scripps Mesa Developers, LLC, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 294375 and Site Development Permit No. 294373 to subdivide and develop a condominium project with 1,848 condominium units known as the Casa Mira View project, located on six parcels along the east side of Westview Parkway between Dauntless Street and Mira Mesa Boulevard in the Mira Mesa community, and legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the Mira Mesa Community Plan area, in the RM-3-7 zone which is proposed to be rezoned to the RM-3-8 zone; and

WHEREAS, on INSERT DATE, the Planning Commission of the City of San Diego considered Planned Development Permit No. 294375 and Site Development Permit No. 294373, and pursuant to Resolution No. INSERT PLANNING COMM. RESOLUTION NUMBER-PC voted to recommend City Council approval of the permits; and

WHEREAS, the matter was set for public hearing on DATE, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 294375 and Site Development Permit No. 294373:

**Planned Development Permit - Section 126.0604**

**A. Findings for all Planned Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed multi-family development on the 41.31 acre site is designated for Residential use by the Mira Mesa Community Plan and allows residential development at the densities allowed by the existing RM-3-8 Zone. The proposed project site is located within the Mira Mesa Community Plan area and designated for Medium-high density residential development at 30-45 dwelling units per net acre. The project as proposed conforms to the density in the community plan. With the approval of the rezone, the project would be also consistent with the approved development agreement. The project will help satisfy a variety of goals of the applicable land use plans. The project will increase the supply of housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the property would not conflict with goals of the community plan relative to topography as the project site has been previously graded. Being determined the project is consistent with the Progress Guide and General Plan, the Mira Mesa Community Plan, the regulations of the RM-3-8 Zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is included in a Development Agreement, Doc. No. 00-17178, filed November 14, 1988 and as such has or will provide significant public benefits which would not have occurred otherwise. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. The development will also provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with current construction standards and codes. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development complies with the regulations of the RM-3-8 Zone and site-specific development regulations for the property. No deviations or variances are required to approve the proposed project. The proposed development complies with all relevant regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 294375 and Site Development Permit No. 294373. Development of the property will meet all requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The project will provide several significant features, amenities and improvements in the community. The project will add 1,848 housing units to the housing stock of the City of San Diego at a time in the history of the city when there is a housing shortage and in a community with a very low vacancy rate. The city currently has a very limited supply of land designated and zoned for medium to high density multi-family housing. Increasing the housing supply will be particularly beneficial in the Mira Mesa area because of the large and expanding employment base in the area. This site has long been identified in the Community Plan as the location where density should be located. This proposal will help to alleviate the shortage of multi-family housing opportunities. This project will also provide for affordable housing opportunities on-site. Housing near the many employment sites in Mira Mesa will aid in reducing automobile congestion, particularly during peak travel hours. The project will also create public areas within the property to promote pedestrian activity. Pedestrian walkways have been provided around the entire perimeter of the project which create opportunities for the public display of art. Finally, the developer will be providing much needed FBA funding for the completion of identified public improvements. Furthermore, of the 1,848 units fully ten percent or 185 dwelling units will be affordable to persons earning no more than sixty-five percent of the County average median income. Thus the development of the project will materially benefit the city by providing both housing units during a shortage of supply and by providing affordable housing to persons of special need. *The resulting benefits of the project will be positive for the community and City of San Diego.*

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project includes several deviations, all of which provide a more desirable project. The deviations are as follows:

- a. A deviation to increase the maximum allowed height of the structures. The maximum height proposed with this project is isolated at several locations along the buildings at 64 feet 7 inches above finish grade where 50 feet is otherwise allowed. Due to the existing grading of the site to control storm water on-site during the years of vacancy, when the buildings are measured from the pre-existing ground, the maximum height would be as much as 80 feet or thirty feet above the maximum allowed in the RM-3-8 Zone. While the height of the flat roofed buildings is much closer to the 50 foot requirement, this increased height in limited areas on the site at specific locations of the building will permit greater flexibility for the design of the roofline, allow for more articulation of the parapets and turrets above the roofline, and an opportunity to increase the amount of open space being provided on the ground by the project. Allowing the deviation to the maximum height also results in an increase of the overall setbacks of the proposed buildings to the adjacent property lines. While the entire project meets the required setback requirements, the increase in allowable building height enables the project to greatly exceed the setback requirements. This further permits greater opportunities for landscaping within the project and along the adjacent

streets of Westview Parkway and Interstate 15. When the density for the project site was designated in the community plan and in the existing Development Agreement, Doc. No. 00-17178, filed November 14, 1988, approximately twenty years ago, there was no height limit for the comparable zone. Height limits within the previous zone were not introduced into the Land Development Code until 2000 when the Land Development Code was last updated. If the buildings were reduced in height by even one entire floor, a project design consisting of the same number of dwelling units and unit floor area or square footage, would occupy an additional 201,110 square feet of site area on the ground or 4.62 acres of land. This would result in a needless reduction in usable open space and building setbacks and is not deemed to be as beneficial to the City and Mira Mesa community as allowing the proposed height deviation.

- b. A deviation to develop less than the required thirty-three percent of the allowable floor area ratio for structured parking. The efficiency of the architectural plan approved for the project results in structured parking that occupies less than the required minimum thirty-three percent of the allowable FAR. In addition, the structured parking will not be visible from any public vantage point. The residential buildings will surround the parking structures. Approving the project with a lower allocation of floor area ratio devoted to the required parking structures will result in greater amount of usable open space available to residents and visitors to the project. The project will provide a maximum of twenty-seven percent of the available floor area ratio for structured parking.
- c. A deviation to allow an eight foot high noise wall within the southerly side yard setback where a maximum height of six feet is otherwise permitted. This setback area is very wide and is measured at fifty-nine feet in width. The noise wall is necessary to protect recreational uses that will be constructed and occur in this location within this setback area.
- d. A deviation to allow the construction of carports for all the parking stalls located on the top deck of each parking structure rather than providing trees in raised containers to meet the tree distribution requirements for parking lots required in the City-wide Landscape Regulations. The purpose of providing trees within parking lots is to create shading of the pavement to reduce the heat island effect of large expanses of pavement. Carports will provide a superior quantity of shading on the parking structure deck when compared to living trees. Trees installed in containers on the top deck of the parking structure will never attain a height and breadth capable of providing an equivalent amount of shade as will be permanently provided by the carports.

As a result of the approved deviations and other design features of the project, the proposed project conforms with the overall policies, regulations and purpose and intent of the Planned Development regulations. The design will result in a more desirable project for the City and the community than would be realized through the strict application of the development regulations at this location.

**Site Development Permit - Section 126.0504****A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed multi-family development on the 41.31 acre site is designated for Residential use by the Mira Mesa Community Plan and allows residential development at the densities allowed by the existing RM-3-8 Zone. Being determined the project is consistent with the Progress Guide and General Plan, the Mira Mesa Community Plan, the regulations of the RM-3-8 Zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan. Refer to Planned Development Permit Finding No. 1 above for additional detail.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is included in a Development Agreement, Doc. No. 00-17178, filed November 14, 1988 and as such has or will provide significant public benefits which would not have occurred otherwise. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare. Refer to Planned Development Permit Finding No. 2 above for additional detail.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the RM-3-8 Zone and site-specific development regulations for the property. No deviations or variances are required to approve the proposed project. The proposed development complies with all relevant regulations of the Land Development Code. Refer to Planned Development Permit Finding No. 3 above for additional detail.

**M. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings**

**1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.** One hundred eighty-five dwelling units of affordable family housing will be developed as a result of the approval and subsequent construction of the project. One thousand six hundred sixty-three for-sale market rate condominiums will be developed. There will be no discernable distinction between the affordable and market rate units. These project features and goals will provide needed housing and development in an area of the city replete with redevelopment opportunity. The provision of 185 dwelling units affordable to persons at the income range described as sixty-five percent of

the County average median income will contribute in a real and meaningful way towards the goals of providing affordable housing in the City.

**2. The development will not be inconsistent with the purpose or the underlying zone.** The development of 1,848 dwelling units on the proposed site will be consistent with the regulations of the RM-3-8 Zone and all other regulations and policies of the City of San Diego which zone the site for residential use. The purpose of the RM-3-8 Zone is to allow for the provision and development of multiple unit housing in accordance with specific development regulations of the zone in areas designated by the zoning and community plan for multiple family dwelling units. Development of the site with the project will comply with all relevant regulations of the RM-3-8 Zone.

**3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed development complies with the Mira Mesa Community Plan which designates the site for multiple dwelling unit development. The proposed deviations are necessary to maximize the use of the land and to provide the highest quality affordable housing development. The deviations are required due to existing infrastructure adjacent to the site and to the limitations of the zoning regulations. The proposed project includes architectural plans with extensive articulation and fenestration. This level of detail is consistent with the purpose and intent of the planned development regulations; however, in order to implement the site plan and architecture at this site; and to maximize the density and intensity of development at the site to contribute to the housing stock of the City of San Diego, the proposed deviations are granted. All other requirements comply with the regulations which apply to the project site in accordance with the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 294375 and Site Development Permit

No. 294373 is granted to Scripps Mesa Developers, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By

\_\_\_\_\_  
Shirley R. Edwards  
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by John S. Fisher



**RECORDING REQUESTED BY**  
**CITY OF SAN DIEGO**  
**DEVELOPMENT SERVICES**  
**PERMIT INTAKE, MAIL STATION 501**

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 425739

**PLANNED DEVELOPMENT PERMIT NO. 294375 and**  
**SITE DEVELOPMENT PERMIT NO. 294373**  
**CASA MIRA VIEW - PROJECT NO. 91647 [MMRP]**  
**CITY COUNCIL**

*This Planned Development Permit No. 294375 and Site Development Permit No. 294373 is granted by the Council of the City of San Diego to Scripps Mesa Owner/Permittees, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600 and 126.0500. The 41.31 acre site is located on the east side of Westview Parkway between Dauntless Street and Mira Mesa Boulevard in the RM-3-7 Zone which is proposed to be rezoned to the RM-3-8 Zone in the Mira Mesa community plan area. The project site is legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder.*

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the subdivision of land to develop a condominium project with 1,848 condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. The subdivision of land and development of a condominium project with 1,848 condominium units of which 1,663 dwelling units shall be market rate for sale and 185 dwelling units shall be for sale affordable housing units affordable to persons who earn no more than 65% of the area median income;
- b. Four deviations are approved with the project and are described as follows: 1) Maximum building height would be 64 feet 7 inches above the proposed finish grade where 50 feet is otherwise allowed; 2) Develop less than 33% of the minimum required Floor Area Ratio (FAR) for the structured parking. The structured parking FAR would be 27.9%; 3) An eight foot noise wall within the southerly side yard setback, where a

maximum height of six feet is allowed; 4) Allow construction of carports for all parking spaces located on the top deck of each parking structure in lieu of complying with the tree distribution requirements for parking lots.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Environmental Impact Report No. 91647, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report No. 91647, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be complied with, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use/Multiple Species Conservation Program
- Traffic/Circulation
- Air Quality
- Public Facilities and Services
- Noise
- Paleontological Resources
- Biological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**ENGINEERING REQUIREMENTS:**

16. The Permit shall comply with the conditions of the Vesting Tentative Map No. 481936.

**LANDSCAPE REQUIREMENTS:**

17. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

18. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A."
19. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
20. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
22. If any required landscape, including but not limited to existing or new plantings, hardscape, landscape features, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

23. No fewer than 3,387 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.
24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
25. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.
26. The Owner/Permittee shall post a copy of this permit and Tentative Map in the sales office for consideration by each prospective buyer.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
28. Prior to the issuance of building permits, the Owner/Permittee shall vary the architectural theme and color palette consistent with the approved Exhibit "A," satisfactory to the Development Services Director. Actual color selections may vary at the time of paint application in the field.

### **TRANSPORTATION REQUIREMENTS**

29. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road.
30. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, widening of eastbound and westbound approaches and assure an additional westbound right-turn lane at the intersection of Black Mountain Road and Gold Coast Drive.
31. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Black Mountain Road and Hillery Drive.
32. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall provide a fair-share contribution of \$75,268 toward improvements at the intersection of Black Mountain Road and Carroll Canyon Road, to the satisfaction of the City Engineer.
33. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall either provide a fair-share contribution of \$1,572,000 towards the construction of the I-15 'managed lanes south segment' project or provide a fair-share contribution distributed by building and totaling \$1,572,000 (in 2008 dollars) in the following manner: Prior to the issuance of a building permit for the first residential building permit, the Owner/Permittee shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential unit), the Owner/Permittee shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the third building (1621<sup>st</sup> residential unit), the Owner/Permittee shall provide a fair-share contribution of \$172,000 (in 2008 dollars) towards the construction of the I-15 'managed lanes south segment' project. This contribution is to be paid subject to the satisfaction of the City Engineer.
34. Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential dwelling unit), the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a third northbound and a third southbound thru lanes and transitions on Black

Mountain Road from Mercy Road transitioning to four lanes prior to the Penasquitos Canyon Creek Bridge.

35. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, an extension of the westbound dual-left turn lanes on Mira Mesa Boulevard as well as provide striping, signing, and modifications to increase the storage for the southbound left turn lanes on Westview Parkway in order to increase the capacity of this intersection and increase the capacity of street segments on Mira Mesa Boulevard.

36. Prior to the issuance of a building permit for the second building (811th residential unit), the Owner/Permittee shall provide a private shuttle service as part of the Transportation Demand Management Plan connecting the project to existing shopping opportunities at Mira Mesa Marketplace Center and transit connections on Mira Mesa Boulevard and Black Mountain Road subject to the satisfaction of the City Engineer. This shuttle shall have two stops on the project site and shall be limited to residents and guests of the development. The shuttle shall carry no fewer than 16 passengers and shall conform to the requirements of the American with Disabilities Act (ADA accessible). The shuttle shall maintain 15 minute headways in weekday peak hours. Days, hours of operation, and routing are to be satisfactory to the City Engineer.

37. Prior to the issuance of a building permit for first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a traffic signal at the intersection of Westview Parkway and the project's main access, relocation of the park driveway to be located at the signalized location, re-striping of Westview Parkway to accommodate the signal, and a signal interconnect between the existing signals on Westview parkway at Galvin/Westview parkway at Capricorn and the new signalized project access on Westview parkway.

38. Prior to the issuance of a building permit for the third building (1621st dwelling unit) the Owner/Permittee shall provide, to the satisfaction of the City Engineer, an improvement for a connection to the existing public road and signal at Galvin Avenue and Westview Parkway to provide a second signalized access to the project.

#### **WASTEWATER REQUIREMENTS:**

39. All onsite sewer facilities will be private.

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

41. Prior to the issuance of any grading or building permits, The Owner/Permittee shall abandon the existing onsite public sewer main in the south portion of this lot or it will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

42. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.
43. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
44. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
45. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

**WATER REQUIREMENTS:**

46. Prior to the approval of any public improvement drawings, the Owner/Permittee shall provide acceptable potable and reclaimed water studies satisfactory to the Water Department Director. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.
47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal of all existing unused services within the proposed driveway easement access, in a manner satisfactory to the Water Department Director and the City Engineer.
48. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Water Department Director and the City Engineer. If reclaimed water is not yet available, then the irrigation systems shall be designed in such a manner as to accept reclaimed water when available and avoid any potential cross connections.
49. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
50. Prior to the issuance of any building permits, the Owner/Permittee shall grant additional widened easement to include the proposed alignment of the driveway entrance, fire lane and portions of the northwest driveway which contain the existing water main and all associated



water appurtenances including but not limited to the water and fire services, on-site fire hydrants, et cetera, in a manner satisfactory to the Water Department Director and the City Engineer.

51. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

52. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

53. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved Exhibit "A" shall be modified at final engineering to comply with standards.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Council of the City of San Diego on [date and resolution number] .

Permit Type/PTS Approval No.:

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Kelly Broughton  
Director  
Development Services

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1180 et seq.**

\_\_\_\_\_  
*The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.*

**Scripps Mesa Owner/Permittees, LLC**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**Scripps Mesa Owner/Permittees, LLC**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

(O-INSERT~)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 41.31 ACRES LOCATED ON THE EAST SIDE OF WESTVIEW PARKWAY, NORTH OF MIRA MESA BOULEVARD, WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-3-7 ZONE INTO THE RM-3-8 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0400; AND REPEALING ORDINANCE NO. 0-18451 (NEW SERIES), ADOPTED DECEMBER 9, 1997, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 41.31 acres located on the east side of Westview Parkway, north of Mira Mesa Boulevard, and legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4269, filed in the office of the City Clerk as Document No. OO- \_\_\_\_\_, are rezoned from the Residential Base zones into the Residential Base zones, as the RM-3-8 zone is described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. 0-18451 (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

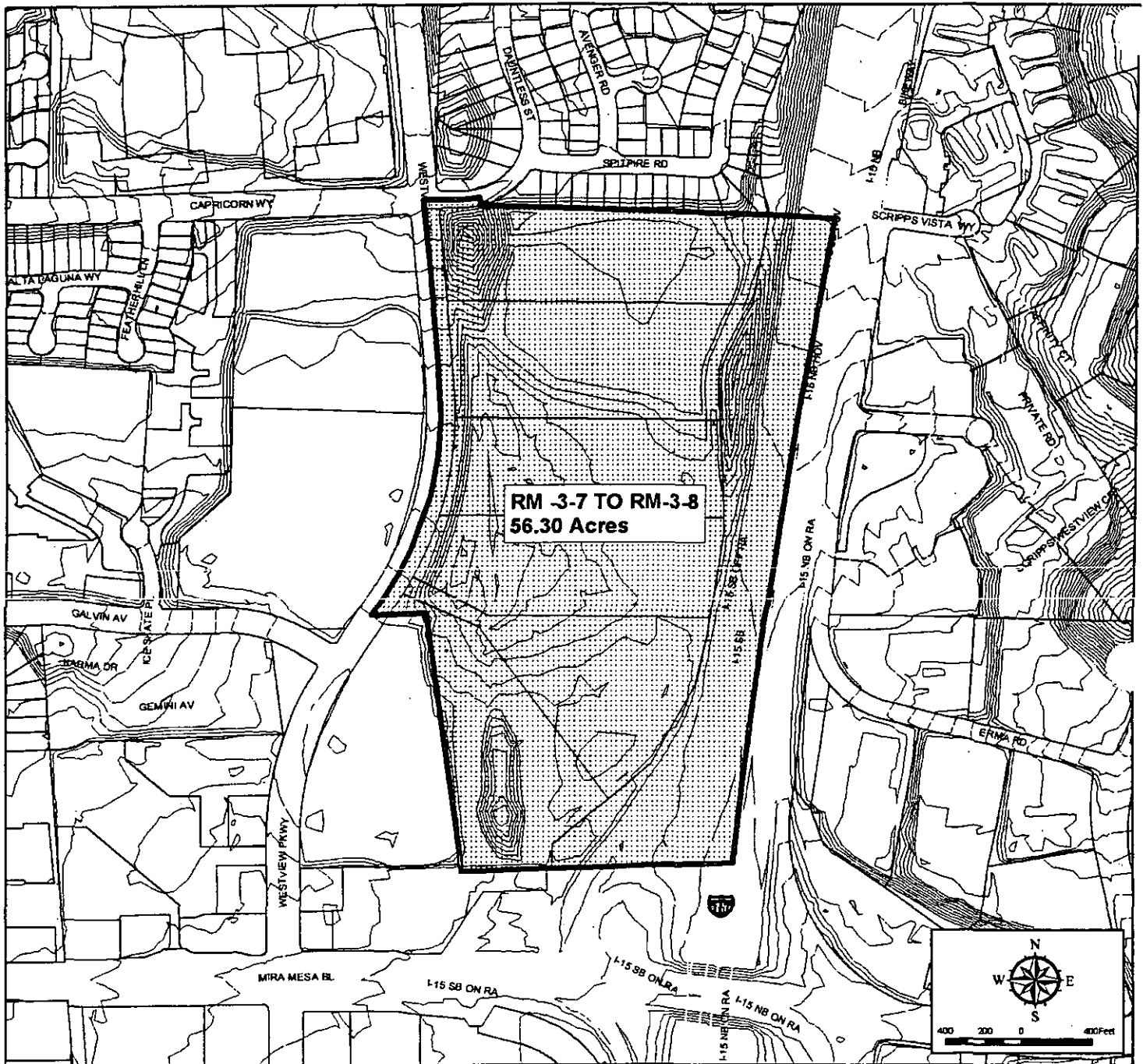
APPROVED: MICHAEL AGUIRRE, City Attorney

By \_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

Initials~  
Date~  
Or.Dept: INSERT~  
Case No. 91647  
O-INSERT~  
Form=inloto.frm(61203wct)



# PROPOSED REZONING



PAR 1,2,3,4,5, &amp; 6 PM 16194

ORDINANCE NO. \_\_\_\_\_  
EFF. DATE ORD. \_\_\_\_\_  
ZONING SUBJ. TO \_\_\_\_\_  
BEFORE DATE \_\_\_\_\_  
EFF. DATE ZONING \_\_\_\_\_  
MAP NAME AND NO. \_\_\_\_\_

REQUEST RM-3-8

PLANNING COMM.  
RECOMMENDATIONCITY COUNCIL  
ACTION

CASE NO. PTS 91647

DEVELOPMENT SERVICES MANAGER

**B- 4269**

APN: 318-410-20 to 25

(274-1725) 08-13-08 ldj

# Mira Mesa Community Planning Group

11975 Thomas Hayes Lane  
San Diego, CA 92126-1157



## Executive Committee

August 28, 2008

**Ted Brengel**  
Residential Member  
Chairman

**Jeffry Stevens**  
Residential Member  
Vice-chairman

**Joe Frichtel**  
Residential Member

**Linda Geldner**  
Residential Member

**Bruce Brown**  
Residential Member

**Marlon D. Austria**  
Residential Member

**Mark Kornheiser**  
Business Member

**Erwin Rose**  
Residential Member

**Bob Chamberlain**  
Residential Member

**Rich Ragus**  
Residential Member

**Bob Mixon**  
Residential Member

**Michael Linton**  
Vulcan Materials  
Business Member

**Marvin Miles**  
Property Gallery  
Business Member

**Jori Tulkki**  
Gen-Probe  
Business Member

**John Brand**  
Sentre Partners  
Developer Member

**Phil Lisotta**  
Qualcomm, Inc.  
Developer Member

**Ian Firth**  
Hanson Aggregate  
Land Owner Member

**John Fisher**  
City of San Diego  
Development Services  
1222 First Ave.  
San Diego, CA 92101

**Subj: Casa Mira View Project**

At the July meeting of the Mira Mesa Community Planning Group we formally considered the proposed plans for the Casa Mira View Project. By unanimous vote of the Executive Committee members in attendance we recommend that the project go forward to the Planning Commission with your recommendation for approval.

While the density of this project and the infrastructure impacts that it brings are onerous, the density is consistent with our Community Plan, and we believe that the mitigation being provided by the developer will be effective. We are particularly impressed that the mitigation is being provided at the outset and not over the course of construction. We believe that this helps to demonstrate a commitment to a sound project that fits well within the community.

We were also impressed by the developer's outreach to adjacent residents and his willingness to provide amenities to help mitigate the effects of the project.

This is the right project for the chosen location and will become an important part of our community.

Sincerely,



---

**Ted Brengel**  
Chairman

Mira Mesa Community Planning Group

cc: Councilmember Brian Maienschein

**Mira Mesa Community Planning Group  
Meeting Minutes  
July 21, 2008**

**Attendees:**

Ted Brengel	Jeff Stevens	Erwin Rose	Phil Lisotta
Mark Kornheiser	Joe Frichtel	Marvin Miles	Jori Tulkki
Linda Geldner	John Brand	Bruce Brown	Rich Ragus
Ian Firth			

1. **Called to Order 6:33** (scheduled early due to long agenda)
2. **Agenda Deletions or Additions** - none.
3. **Approval of the Minutes** – unknown.
4. **Information Items**
  - a. MCAS Miramar – Juan Lias said that the ALUCP is going to the Airport Authority Board in September.
  - b. Patty Krebs discussed some of the issues surrounding the ALUCP. Every 5 years DOD updates its guidelines and AICUZ. The 2005 AICUZ is more restrictive than its predecessor, potentially limiting industrial development in part of western Mira Mesa. An infill policy was proposed by Industrial Environmental Association and others to allow development to continue in areas now allowed. The infill policy will not be part of the plan. 38 million square feet may be affected. The City can override the policy but then assumes liability. They did override the policy for Arena Pharmaceuticals, but only for noise. Juan Lias said that safety is most important which is why they oppose densification of the APZ. The new restrictions are partly the result of new aircraft with different flight and noise profiles being flown from MCAS Miramar.
  - c. Council District 5 – Khoa Nguyen said that there have been delays in getting streetlights fixed. It should take no more than 10 days. The fire committee met and there will be brush removal in 2009-2010. Approval of Planning Group bylaws has been delayed, but our bylaws are not affected since they are consistent with the Planning Department template.
  - d. Planning Department – Dan Monroe listed the following items as coming to Planning Commission or a hearing officer soon: a hearing on a project on Morehouse Drive, a Planning Commission hearing on a project on Nancy Ridge Road, a plan for Arena Pharmaceuticals, a rezone of a residential section of Mira Mesa Shopping Center from RN-25 to RN-37, and an amendment to the Alexandria Tech Center PDC.
  - d. Public Comment – Michael Edmund said that the light in from of North Island Credit Union has the pedestrian crossing button in the grass where it may be inaccessible to disabled pedestrians.
5. **Correspondence** – Received plans for Alexandria Tech Center and Arena Pharmaceuticals.



6. **Chairman's Report** – Brengel reported that he has copies of the Miramar ALUCP on CD and will distribute them to anyone interested. They are also online at [http://www.san.org/airport\\_authority/land\\_use\\_compatibility/public\\_review.asp](http://www.san.org/airport_authority/land_use_compatibility/public_review.asp).

7. **New Business**

- a. Community plan amendment for property adjacent to Mira Sorrento Place. The property is currently owned by a landowner in San Francisco, and is represented at the meeting by Rina Alvarez of Lundstrom and Associates. The property is currently zoned open space and industrial park, but the open space is unconnected to other open space areas. There are two parcels 6 acres north and 8 acres south of Mira Sorrento place and west of the existing shopping center. They are requesting a community plan amendment to convert the entire site to industrial park. The site is in the Miramar Accident Potential Zone 2. There is a 200 foot wide SDG&E easement and gas lines as well as a slope easement by Mira Sorrento Place. The preliminary plan shows an 11 story building north of Mira Sorrento Place on 2.7 graded acres and two 6 story buildings south of Mira Sorrento Place on 4.5 graded acres. There will be up to 550,000 square feet of industrial space with subterranean parking. Bruce Brown listed the following concerns: the slope is greater than 25% which has restrictions, the 11 story building is in the Miramar flight path and the site is in the APZ, Mira Sorrento Place would need to be widened with slowdown lanes added, better fire access would be needed, impacts to traffic and adequate parking. Concern was also expressed that the proposed project is unrealistic for the small, restricted site. Motion (Frichtel/Brown) to support the community plan amendment initiation to allow the concept to be studied, with our list of concerns passed along to the Planning Commission. Motion passed 7-6.

8. **Old Business**

- a. Casa Mira View – 1848 units were approved in a development agreement for this project nearly 20 years ago. Now that they are finally ready to proceed, there are some additional requirements including 10% affordable housing and more traffic improvements. They had two open houses to discuss the project with neighbors. Parking is in the center of the project, not visible from the outside. There will be pedestrian access to the park and ride to the south. They will plant quick growing trees along the northern boundary of the project to screen the project from neighbors. Planting heavy gauge bamboo which will grow to 50-60 feet high. Andy Schaepli said that they had been working on the traffic study for two years, and looked at it with and without the direct access ramp (DAR) through the project. When all planned traffic improvements are completed, including both the mitigation for this project and CalTrans projects, the level of service will be improved over today even with the project. The intersections where improvements are being made will have improved level of service after completion of the project. However, there is a problem due to the ramp metering on the freeway, and until CalTrans freeway projects are completed, there will be additional delay on Mira Mesa Blvd. caused by the traffic generated by this project. The project will generate 11,000 daily trips, with 8% (887) during morning peak hours. The project will contribute \$1.5 million toward I-15

improvements, and will make improvements to the following intersections: Gold Coast and Black Mountain Road, Hillery and Black Mountain Road, Mira Mesa Blvd. and Black Mountain Road, Mira Mesa Blvd. and Westview Parkway, and Black Mountain Road and Mercy Road. It will also pay to widen part of Carroll Canyon Road. These fully mitigate all traffic impacts except on Mira Mesa Blvd between Black Mountain Road and I-15, which are partially mitigated. The project will go to Planning Commission on September 11 and to City Council in October. Dan Monroe said that the project is consistent with the Community Plan and that the Planning Department is supporting it.

Motion (Brown/Rose) to support the project and send our recommendation to the Planning Commission. Motion passed 12-0. It was suggested that CalTrans be invited to a meeting soon to discuss the schedule for their improvements.

## 9. Committee Reports

- a. Los Penasquitos Canyon Citizen's Advisory Committee – Pam Stevens reported that there will be a workshop at the September CAC meeting on trails in the Carmel Mountain and Del Mar Mesa open space and the Carmel Mountain/Del Mar Mesa Preserves Natural Resource Management Plan. They will have a booth at the Mira Mesa Street Fair on September 27<sup>th</sup>.
- b. CPC – Jeff Stevens reported that CPC will have a presentation on the Administrative Guidelines which describe how Planning Groups are supposed to operate. The draft Administrative Guidelines are online at <http://miramesatowncouncil.org/doc/Plangrp/08adminguidelines.pdf>.
- c. Stone Creek Update – None.
- d. COMPACT – No report. MMCPG needs a volunteer to attend COMPACT meetings.
- e. Announcements – Jeff Stevens said that the August 4 Mira Mesa Town Council meeting would have a presentation on Fire Safe Landscaping. The September 8 MMTC meeting will have a candidates forum with City Attorney candidates Mike Aguirre and Jan Goldsmith. On the MMTC web site <http://miramesatowncouncil.org/> it is now possible to donate to the "Adopt-A-Wall" program to paint the walls along Mira Mesa Blvd. and other major streets; to the Fourth of July celebration; and to join or donate to the Mira Mesa Town Council. The Mira Mesa Street Fair will be held on September 27, applications are online. Sponsors are being requested for the event – information is also online.
- f. August meeting – motion to go dark in August (Stevens/Rose) approved 12-0.

Meeting adjourned

Submitted by:

Jeff Stevens  
MMCPG Vice Chairman

## Ownership Disclosure Statement

SCRIPPS MESA DEVELOPERS, LLC, a California limited liability company

Member: Regents at Scottsdale, LLC, an  
Arizona limited liability company

Officers and Managers: Zygmunt Wilf, Operating Manager  
Leonard Wilf, Chairman/Manager  
Mark Wilf, Treasurer/Manager  
Stuart Posnock, Secretary/Manager

DEVELOPMENT SERVICES  
**Project Chronology**  
**Casa Mira View - PTS# 91647**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
06/14/06	First Submittal	Project Deemed Complete		
08/06/06	First Assessment Letter		38 days	
03/22/07	Second Submittal			203 days
04/16/07	Second Review Complete		17 days	
09/05/07	Third Submittal			102 days
10/01/07	Third Review Complete		18 days	
12/05/07	Fourth Submittal			47 days
12/20/07	Fourth Review Complete		11 days	
02/08/08	Fifth Submittal			36 days
02/25/08	Fifth Review Complete		11 days	
04/14/08	Sixth Review Complete			35 days
04/28/08	Final Review Complete		10 days	
04/28/08	Issues Complete			
09/11/08	Public Hearing		98 days	
<b>TOTAL STAFF TIME</b>			<b>203 days</b>	
<b>TOTAL APPLICANT TIME</b>				<b>423 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		From Deemed Complete to Planning Commission	<b>20 months and 26 days</b>	

<b>PROJECT DATA SHEET</b>		
<b>PROJECT NAME:</b>	<b>Casa Mira View – Project 91647</b>	
<b>PROJECT DESCRIPTION:</b>	<b>Construction of 1,848 residential condominium units.</b>	
<b>COMMUNITY PLAN AREA:</b>	<b>Mira Mesa</b>	
<b>DISCRETIONARY ACTIONS:</b>	<b>Rezone, Easement Vacation, Planned Development Permit, Site Development Permit, and Vesting Tentative Map.</b>	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	<b>Medium - High Density Residential (30-45 du/ac)</b>	
<b>ZONING INFORMATION:</b> <b>ZONE:</b> RM-3-8 <b>HEIGHT LIMIT:</b> 50 feet <b>LOT SIZE:</b> 7,000 square feet <b>FLOOR AREA RATIO:</b> 2.25 <b>FRONT SETBACK:</b> 20'0" standard, 10'0" minimum <b>SIDE SETBACK:</b> 10 % of width <b>STREETSIDE SETBACK:</b> NA <b>REAR SETBACK:</b> 5'0" <b>PARKING:</b> 3,416 parking spaces required.		
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Low Density Residential & RS-1-14	Single dwellings
<b>SOUTH:</b>	Low - Medium Density Residential and Community Commercial & RM-1-1 and CC-1-3	Park & Ride Lot, Vacant Land and Commercial.
<b>EAST:</b>	I-15 Freeway & RM-3-7	I-15 Freeway
<b>WEST:</b>	Neighborhood Park and Elementary School & OP-1-1 and AR-1-1	Park and School across street
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	1. Deviation from LDC Section 131.0431(e) to allow maximum structure height of 64'7" where 50'0" is allowed in the RM-3-8 Zone.	

	<ol style="list-style-type: none"><li>2. Deviation from LDC Section 131.0446(f) to allow less than one third of the permitted floor area ratio (FAR) to be reserved for parking where a minimum of one third of the permitted FAR is to be reserved for parking.</li><li>3. Deviation from LDC Section 142.0310(d) to allow an 8'0" high solid wall in an interior side yard where a 6'0" high solid wall is allowed.</li><li>4. Deviation from LDC Section 142.0406(a) and Table 142-04D to allow vehicular use area to be shaded with carport covers in lieu of trees where one tree is required within 30 feet of each parking space.</li></ol>
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	Approve by unanimous vote on July 21, 2008.



August 19, 2008

Mr. Stuart Posnock  
Scripps Mesa Developers, LLC  
8530 Costa Verde Boulevard  
San Diego, CA 92122

SUBJECT: Casa Mira View Inclusionary Housing

Dear Mr. Posnock:

The San Diego Housing Commission (the "Commission") and Scripps Mesa Developers, LLC ("Scripps") have come to an understanding about how Scripps will satisfy the requirements of the City of San Diego's Inclusionary Housing Ordinance for the Casa Mira View project. This letter shall not constitute a binding agreement between the parties but only reflects the present intent and understanding of our discussions to date. Upon receiving all required City of San Diego approvals, the parties shall enter into a formal agreement prepared and approved by the Commission and General Counsel. The agreement shall be executed by both parties to constitute a binding agreement.

Scripps and the Commission support the following concept to satisfy the affordable housing requirements:

1. Pursuant to the City of San Diego's Inclusionary Housing Program ("Program") incorporated in San Diego Municipal Code Chapter 14, Article 2, Division 13, Scripps agrees to provide ten percent (10%) of the City-approved number of dwelling units at Casa Mira View (currently proposed as one hundred eighty-five (185) affordable units) for occupancy by and at rents affordable to households earning no more than 65% of Area Median Income for a period of 55 years, as approved by the Commission and the City. The mix of bedrooms, bathroom types, size, etc. shall be governed by San Diego Municipal Code Chapter 14, Article 2, Division 13.
2. The Commission agrees in concept that the majority of the affordable units (145 units) shall be located on-site at Casa Mira View with the remaining 40 units located within the Legacy Apartment community located in Mira Mesa, depicted on the attached map.

Call me at 619/578-7585 if you need any additional information.

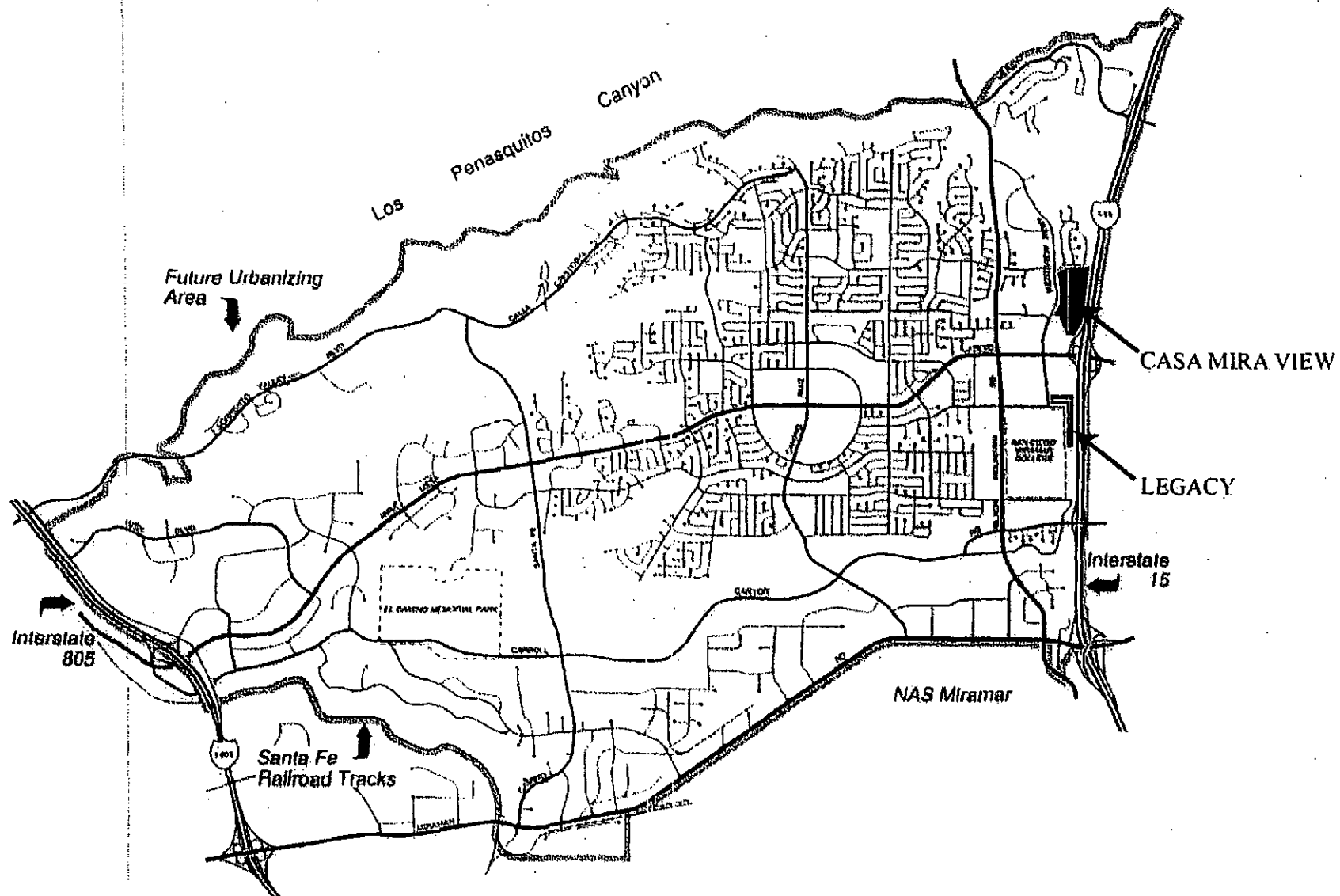
Sincerely,

A handwritten signature in black ink, appearing to read "Cissy Fisher".

Cissy Fisher  
Director, Housing Finance

(annk/Inclusionary/Project documents/Casa Mira View ltr of understanding.doc)

Attachment



**LOCATION MAP**  
**AFFORDABLE HOUSING FOR CASA MIRA VIEW**



## NOTICE OF DETERMINATION

TO:   X   Recorder/County Clerk  
P.O. Box 1750, MS A33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2422

FROM: City of San Diego  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

  X   Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Project Number: 91647

State Clearinghouse Number: 2007111095

Project Title: Casa Mira View

Project Location: The Casa Mira View project site is located south of Capricorn Way and an existing residential development, immediately west of I-15, north of Mira Mesa Boulevard, and immediately east of Westview Parkway in the City of San Diego.

Project Applicant: Scripps Mesa Developers, LLC  
8530 Costa Verde Blvd.  
San Diego, CA 92122  
(858) 320-0018

Project Description: The project consists of 1,848 residential multi-family dwelling units within three five-story residential buildings with a combined area of 3,015,560 square feet. The project actions include a Rezone from the RM-3-7 Zone to the RM-3-8 Zone, Easement Vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide and develop 1,848 dwelling units on a 41.31 acre site within the Mira Mesa Community Plan. Buildings 1 and 2 would each provide 810 units; Building 3 would provide 228 units. The proposed 1,848 residential units would include a total of 718 one-bedroom units, 940 two-bedroom units, and 190 three-bedroom units. Each residential building would provide a mixture of floor plan types and sizes. Each of the three residential buildings would be located in a manner that surrounds the proposed five-story above grade parking structures. Each parking structure would provide the parking required for each respective residential building. The project would provide a total of 3,456 parking spaces dispersed in three parking structures.

This is to advise that the City of San Diego City Council, on \_\_\_\_\_ approved the above described project and made the following determinations:

1. The project in its approved form   X   will, \_\_\_\_\_ will not, have a significant effect on the environment.
2.   X   An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.  
  
\_\_\_\_\_ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.  
  
\_\_\_\_\_ An addendum to a Negative Declaration was prepared for this project pursuant to the provisions of CEQA.  
Record of project approval may be examined at the address above.
3. Mitigation measures   X   were, \_\_\_\_\_ were not, made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of overriding considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

It is hereby certified that the final Environmental Impact Report, including comments and responses, is available to the general public at the office of the Entitlements Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Shearer-Nguyen

Telephone: (619) 446-5369

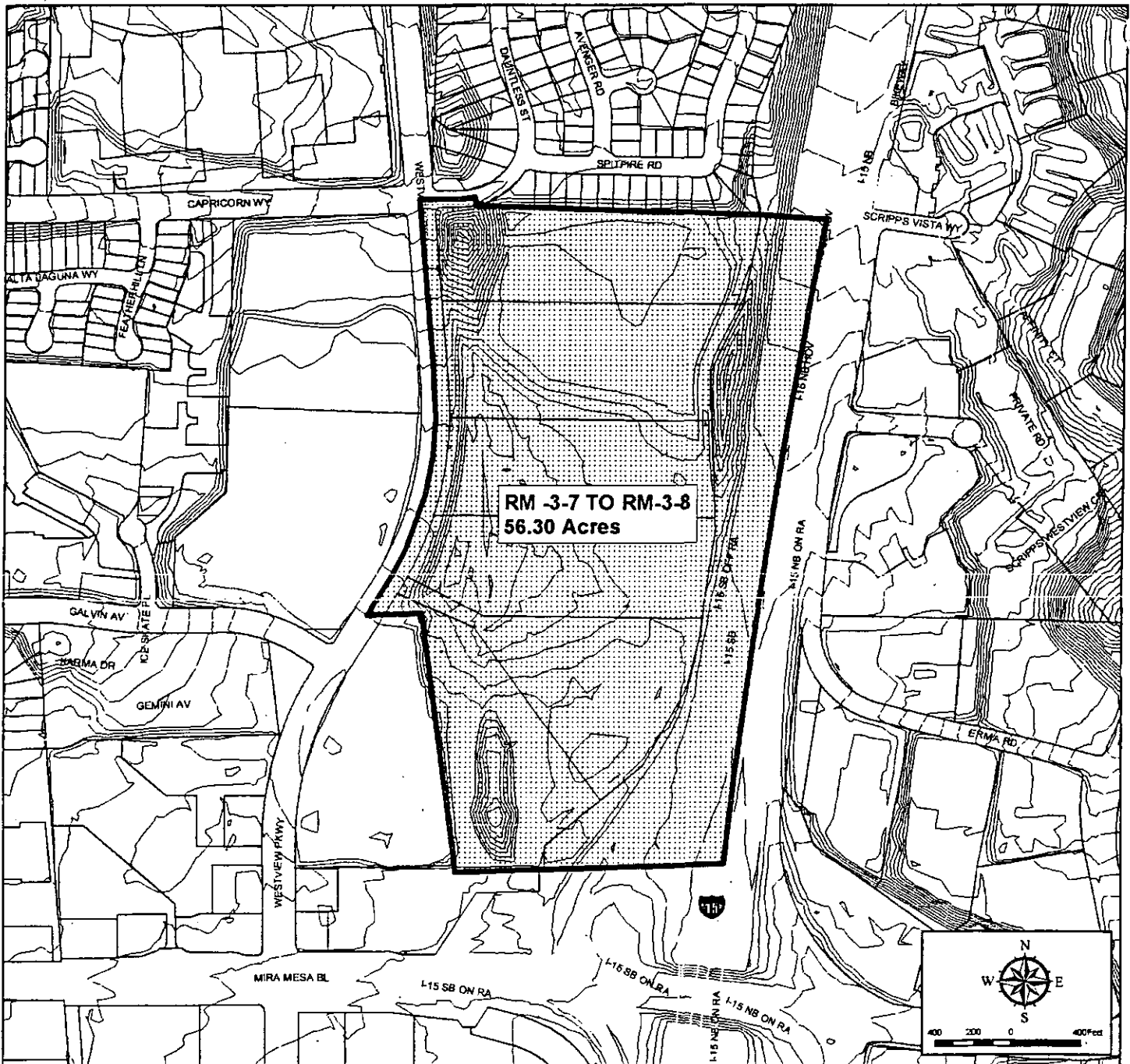
Filed by: \_\_\_\_\_

Signature

\_\_\_\_\_  
Title

Reference: California Public Resources Code, Sections 21108 and 21152.

# PROPOSED REZONING



**PAR 1,2,3,4,5, & 6 PM 16194**

ORDINANCE NO. \_\_\_\_\_

EFF. DATE ORD. \_\_\_\_\_

ZONING SUBJ. TO \_\_\_\_\_

BEFORE DATE \_\_\_\_\_

EFF. DATE ZONING\_\_\_\_\_

MAP NAME AND NO. \_\_\_\_\_

REQUEST RM-3-8

PLANNING COMM.  
RECOMMENDATION

CITY COUNCIL  
ACTION

CASE NO. PTS 91647

DEVELOPMENT SERVICES MANAGER

**B- 4269**

APN: 318-410-20 to 25

(274-1725) 08-13-08 ldt

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

ENVIRONMENTAL IMPACT REPORT NO. 91647 - CASA  
MIRA VIEW PROJECT.

WHEREAS, on June 14, 2006, Scripps Mesa Developers, LLC, a Limited Liability Company, submitted an application to the City of San Diego for a rezone, easement vacation, vesting tentative map and planned development permit/site development permit, for the Casa Mira View Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, under Charter Section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on \_\_\_\_\_; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report [EIR] No.91647/SCH No 2007111095; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that EIR No. 91647/SCH No. 2007111095, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California

Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone, easement vacation, vesting tentative map, and planned development permit/site development permit for the Casa Mira View Project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

//Submitted without signature//

By

\_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:cw:pev  
10/09/08  
Or.Dept:DSD  
R-2009-445  
MMS: #6880

**EXHIBIT A**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**CASA MIRA VIEW PROJECT**  
**Rezone, Easement Vacation, Vesting Tentative Map, Planned Development Permit**  
**and Site Development Permit**  
**Project No. 91647**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Environmental Impact Report (Project No. 91647/SCH No 2007111095) shall be made conditions of the Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373 as may be further described below.

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the MMRP for the following environmental issue areas as identified in the Casa Mira View EIR: Land Use/Multiple Species Conservation Program; Traffic/Circulation; Air Quality; Public Facilities and Services; Noise; Paleontological Resources and Biological Resources. The mitigation measures identified below include all applicable measures from the Casa Mira View EIR (Project No. 91647/ SCH No. 2007111095). This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California Public Resources Code requires a lead or responsible agency that approves or carries out a project where an environmental impact report (EIR) has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the Lead Agency for the Casa Mira View EIR, and therefore must ensure the enforceability of the Mitigation Monitoring and Reporting Program (MMRP). An EIR, has been prepared for this project which addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented.

#### **10.1 GENERAL**

Prior to issuance of a Notice to Proceed (NTC), the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the following Mitigation Measures have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.

Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Biologist/Archaeologist/Paleontologist, Applicant and other parties of interest.

Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

## **10.2 LAND USE**

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department during construction. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

- LU-1** Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of the Entitlements Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:
- A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of the Entitlements Division stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.
  - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section, which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.
  - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
  - D. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
- LU-2** In addition the following mitigation measures related to the MHPA Land Use Adjacency Guidelines shall be implemented:
- A. Prior to initiation of any construction-related grading, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.



- B. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A. The limits of grading shall be defined with silt fencing or orange construction fencing and checked by the biological monitor before initiation of construction grading.
- C. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. Landscape plans shall not contain invasive, non-native species.
- D. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
- E. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.
- F. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
- G. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.

**LU-3**

Should construction occur during the breeding season of the coastal California gnatcatcher (March 1 through August 15), and least Bell's vireo (March 15 and September 15), the following mitigation measures shall be required and implemented:

- A. COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)- Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area

(MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:
  - a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
  - b. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or
  - c. At least two weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60

dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

\*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
  - a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

- B. LEAST BELL'S VIREO (State Endangered/Federally Endangered) - Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the least Bell's vireo. Surveys for the least Bell's vireo shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the least Bell's vireo are present, then the following conditions must be met:
  - a. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
  - b. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or
  - c. At least two weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the

occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 15).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
  - a. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

### **10.3 TRAFFIC AND CIRCULATION**

The Casa Mira View project shall provide improvements to intersections and street segments to mitigate direct or cumulative impacts to these locations. *Figure 4.2-8* shows the locations and description of the improvements to be provided by the project. The mitigation measures required by the project are discussed below.

**TRAF-1** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road. This mitigation would reduce impacts, to the

intersection Mira Mesa Boulevard and Black Mountain Road, to below a level of significance and would partially mitigate the project's significant impacts to the Mira Mesa Boulevard street segment from Westview Parkway to Black Mountain Road.

For the direct and cumulatively significant impacts along the Mira Mesa Boulevard street segment, between Westview Parkway and Black Mountain Road, unmitigable impacts would result. To fully mitigate for the project's impact, the existing road would require widening to 8 lanes from its current configuration of 7 lanes. Further widening of this segment of Mira Mesa Boulevard would require eminent domain by the City to remove existing structures along this street segment, including private commercial businesses. As such it is considered infeasible and would remain unmitigated. Implementation of mitigation measures TRAF-1 would improve the traffic conditions for street segments on Mira Mesa Boulevard; however, not to a level below significance.

**TRAF-2** Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential dwelling unit), the applicant shall assure, to the satisfaction of the City Engineer, construction of a third northbound and a third southbound thru lanes and transitions on Black Mountain Road from Mercy Road transitioning to four lanes prior to the Penasquitos Canyon Creek Bridge. This mitigation would fully mitigate the project's impacts to the intersection of Mercy Road and Black Mountain Road and partially mitigate the project's significant impacts to the Black Mountain Road (Mercy Road to Park Village Drive) street segment.

To fully mitigate for the project's significant impact along this roadway segment, a full 6-lane widening of the entire segment from Mercy Road to Park Village Drive would be required. However, because full widening would require bridge widening, elimination of the existing planted median, and relocation of a major water line, the full widening is not feasible. Therefore, the applicant shall provide feasible mitigation, that is, 6-lane widening of Black Mountain Road, for approximately 960 feet north of Mercy Road, until the existing Black Mountain Road bridge.

Approximately 290 feet of Black Mountain Road from the Penasquitos Canyon Creek Bridge to Park Village Drive would not be widened to 6-lanes and would remain unmitigated.

**TRAF-3** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Black Mountain Road and Hillery Drive. This mitigation would reduce impacts, to the Black Mountain Road and Hillery Drive intersection, to below a level of significance.

**TRAF-4** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, widening of eastbound and westbound approaches and assure an additional westbound right-turn lane at the intersection of Black Mountain Road and Gold Coast

Drive. This mitigation would reduce impacts, to the intersection of Gold Coast Drive and Black Mountain Road, to below a level of significance.

**TRAF-5** Prior to the issuance of a building permit for the first residential dwelling unit, the project applicant shall either provide a fair-share contribution of \$1,572,000 towards the construction of the I-15 'managed lanes south segment' project or provide a fair share contribution distributed by building and totaling \$1,572,000 (in 2008 dollars) in the following manner: Prior to the issuance of a building permit for the first residential building permit, the applicant shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential unit), the applicant shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the third building (1,621<sup>st</sup> residential unit), the applicant shall provide a fair-share contribution of \$172,000 (in 2008 dollars) towards the construction of the I-15 'managed lanes south segment' project. This contribution is to be paid subject to the satisfaction of the City Engineer. The fair-share contribution would partially mitigate the Mira Mesa Boulevard/ I-15 SB ramp cumulative impact and the Mira Mesa Boulevard street segment from I-15 onramps to Westview Parkway; however, there is no certain method of determining whether or not the fair-share contribution to Caltrans would actually fully mitigate the project's cumulative contribution to significant impacts at this intersection, and if construction of the managed lanes south segment project is not completed by Caltrans, impacts would remain unmitigated.

**TRAF-6** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, an extension of the westbound dual-left turn lanes on Mira Mesa Boulevard as well as provide striping, signing, and modifications to increase the storage for the southbound left turn lanes on Westview Parkway in order to increase the capacity of this intersection and increase the capacity of street segments on Mira Mesa Boulevard. This mitigation measure would partially reduce impacts to the Mira Mesa Boulevard street segment from the I-15 on-ramps to Westview Parkway.

#### **10.4 AIR QUALITY**

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department during construction. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

**AQ-1** During the construction phase, contractors shall maintain equipment and vehicle engines in good condition and in proper tune per manufacturers' specifications. Construction equipment utilized for grading and excavation shall be equipped with a diesel oxidation catalyst of reducing NO<sub>x</sub> emissions by 40 percent. As feasible, contractors shall utilize electricity from power poles rather than temporary diesel or gasoline generators. Heavy-duty

haul/delivery trucks shall be prohibited from idling in excess of five minutes, both on and off site, to be consistent with State law.

- AQ-2** Construction activity that affects traffic flow on the arterial system shall be limited to off-peak hours, as feasible. In addition, construction parking shall be configured to minimize traffic interference.

No feasible mitigation measures are available to reduce long-term operational PM<sub>10</sub>, CO, and VOC emissions to less than significant levels. The majority of the operational air quality impacts are a result of the estimated 11,088 average daily trips generated by the project (USA 2008a). While the project has included shuttle services, which would serve to reduce operational emissions, the amount of reduction is difficult to quantify. Also, it is not feasible for the applicant to require emission control devices be implemented on private vehicles associated with the project. There are no other feasible mitigation measures to reduce mobile source emissions to less than significant levels. Therefore, the project would result in a significant and unavoidable regional operations impact from PM<sub>10</sub>, CO, and VOC emissions.

### **10.5 PUBLIC FACILITIES AND SERVICES**

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future project plans have incorporated or complied with the following measures:

#### **Entitlements Plan Check**

- PFS-1** Prior to the issuance of any construction permit, including but is not limited to, demolition, grading, building or any other construction permit, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the all the requirements of the Refuse & Recyclable Materials Storage Regulations and all of the requirements of the waste management plan are shown and noted on the appropriate construction documents. All requirements, notes and graphics shall be in substantial conformance with the conditions and exhibits of the associated discretionary approval.
- PFS-2** The construction documents shall include a waste management plan that addresses the following information and elements for demolition, construction, and occupancy phases of the project as applicable:
- (a) tons of waste anticipated to be generated
  - (b) material type of waste to be generated
  - (c) source separation techniques for waste generated
  - (d) how materials will be reused on site
  - (e) name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused on site



- (f) a "buy recycled" program
- (g) how the project will aim to reduce the generation of construction/demolition debris
- (h) a plan of how waste reduction and recycling goals will be communicated to subcontractors
- (i) a time line for each of the three main phases of the project as stated above
- (j) a list of required progress and final inspections by City staff.

**PFS-3** The plan shall strive for a goal of 50% waste reduction.

**PFS-4** The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals.

**PFS-5** The Plan shall include notes requiring the Permittee to notify MMC and ESD when:

- (a) a demolition permit is issued
- (b) demolition begins on site
- (c) inspections are needed. The permittee shall arrange for progress inspections, and a final inspection, as specified in the plan and shall contact both MMC and ESD to perform these periodic site visits during demolition and construction to inspect the progress of the project's waste diversion efforts.

When Demolition ends, notification shall be sent to:

Mitigation Monitoring Coordination (MMC) Environmental Review Specialist  
 9601 Ridgehaven Court, Ste. 320, MS 1102 B  
 San Diego, CA 92123 1636  
 (619) 980 7122

Development Service Department, Environmental Services Department (ESD)  
 9601 Ridgehaven Court, Ste. 320, MS 1103 B  
 San Diego, CA 92123 1636  
 (858) 627-3303

**PFS-6** Prior to the issuance of any grading or building permit, the applicant shall receive approval, in writing, from the ADD of Entitlements Division, environmental designee (MMC) that the waste management plan has been prepared, approved, and implemented. Also prior to the issuance of any grading or building permit, the applicant shall submit written evidence to the ADD that the final Demolition/Construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the

above Waste Management Plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, and how that goal was achieved, etc.

A. Pre Construction Meeting

1. Demolition Permit - Prior to issuance of any demolition permit, the permittee shall be responsible to obtain written verification from MMC indicating that the permittee has arranged a preconstruction meeting to coordinate the implementation of the MMRP. The Precon Meeting shall include: the Construction Manager, Demolition/Building/Grading Contractor; MMC; and ESD and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by Entitlements Division and the San Diego Environmental Services Department (ESD), to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
2. At the Precon Meeting, the Permittee shall submit three (3) reduced copies (11x17 inches) of the approved waste management plan, which two (2) copies are to be distributed to MMC and one (1) ESD.
3. Prior to the start of demolition, the Permittee and/or the Construction Manager shall submit a construction/demolition schedule to MMC and ESD.
  - a. Grading and Building Permit - Prior to issuance of any grading or building permit, the Permittee shall be responsible to arrange a preconstruction meeting to coordinate the implementation of the MMRP. The Precon Meeting shall include: the Construction Manager, Building/Grading Contractor, MMC, ESD, and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by Entitlement Division and the ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
4. The Permittee and/or Construction Manager shall call for inspections by the RE/BI and both MMC and ESD, who will periodically visit the demolition/construction site to verify implementation of the waste management plan. The Consultant

Site Visit Record (CSVVR) shall be used to document the Daily Waste Management Activity/progress.

5. Within 30 days after the completion of the implementation of the MMRP, for any demolition or construction permit, a final results report shall be submitted to both MMC and ESD for review and approval to the satisfaction of the City. MMC will coordinate the approval with ESD and issue the approval notification.
6. Prior to final clearance of any demolition permit, issuance of any grading or building permit, release of the grading bond and/or issuance of any Certificate of Occupancy, the permittee shall provide documentation to the ADD of the Entitlements Division that the waste management plan has been effectively implemented.

## **10.6 NOISE**

The following measures shall be implemented to reduce exterior noise levels for multifamily residences during construction, to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans incorporate or comply with the following measures:

- NOI-1** All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices. This would reduce construction noise levels by at least 5 dB(A).
- NOI-2** Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment).
- NOI-3** Equipment staging areas shall be located on the southeastern portion of the project site, as far away as possible from single-family residences and the Willard B. Hage Elementary School.
- NOI-4** During building construction, the construction contractor shall implement sound attenuation blankets with a Sound Transmission Class rating of ten or more along the northern portion of the project site. The sound attenuation blankets shall break the line-of-sight between construction activities and the single-family residences adjacent to the project site. The sound attenuation blankets shall remain in place as long as construction activity is located within 175 feet of the single-family residences. This would reduce construction noise levels by 10 dB(A) at single-family residences located north of the project site.
- NOI-5** During building construction, a five-foot temporary noise barrier (e.g., solid wood) shall be constructed by the construction contractor along the western

portion of the project site such that line-of-sight between construction activities and the Willard B. Hage Elementary School is blocked. The five-foot noise barrier shall remain in place as long as construction activity is located within 175 feet of the elementary school. This would reduce construction noise levels by 5 dB(A) at the Willard B. Hage Elementary School.

- NOI-6** The construction contractor shall establish a noise disturbance coordinator. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early in the day, bad muffler, etc.) and shall be required to implement measures such that the complaint is resolved to the satisfaction of the City Engineering Department. Signs posted at the construction site shall list the telephone number for the disturbance coordinator.
- NOI-7** During building construction, a five-foot temporary noise barrier (e.g. solid wood) shall be constructed such that the line-of-sight is blocked between construction activity and new dwelling units. The five-foot noise barrier that blocks the line-of-sight from construction activity to new dwelling units constructed on the project site shall remain in place until buildings are constructed during phases 2 and 3.
- NOI-8** Lease agreements for residents occupying Phase 1 and Phase 2 dwelling units shall include notification of on-going phases 2 and 3 construction activity.
- NOI-9** An eight-foot permanent noise barrier (e.g., earth berm, solid wall, or some combination therefore) shall be constructed between the northeastern recreation area and I-15.

With implementation of NOI-1 through NOI-6, construction noise levels at the single-family residences north of the project site, the Willard B. Hage Elementary School, and single-family residences northwest of the project would be reduced to below the 75 dB(A) construction noise threshold. Therefore, construction noise would result in a less-than-significant impact to off-site receptors after implementation of mitigation.

Mitigation measures NOI-1 and NOI-7 would each reduce construction noise levels at Phase 1 dwelling units by 5 dB(A), reducing the noise levels at Building 1 to 79 dB(A). This would exceed the 75 dB(A) significance threshold and, as such, construction noise would result in a short-term significant and unavoidable impact to new on-site residences.

Mitigation measure NOI-9 would reduce exterior noise levels at the northeastern recreational area by approximately 7 dB(A). This would result in maximum exterior noise levels of approximately 59.6 dB(A); which is below the 60 dB(A) significance threshold. Therefore, impacts from the northeastern recreational area would be reduced to less than significant levels.

## **10.7 PALEONTOLOGY**

The following measures shall be implemented to reduce potential impacts to paleontological resources, to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:.

**PALEO-1**        The following shall be implemented:

### **I.        Prior to Permit Issuance**

#### **A.        Entitlement Division Plan Check**

1.        Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

#### **B.        Letters of Qualification have been submitted to ADD**

1.        The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2.        MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3.        Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

### **II.       Prior to Start of Construction**

#### **A.        Verification of Records Search**

1.        The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III.

#### During Construction

##### A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

##### B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

##### C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is

required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night and/or Weekend Work**

##### **A. If night and/or weekend work is included in the contract**

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- 2. The following procedures shall be followed.

##### **a. No Discoveries**

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 8AM on the next business day.

##### **b. Discoveries**

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

##### **c. Potentially Significant Discoveries**

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.



- d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

**V. Post Construction**

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
  - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

## **10.8 BIOLOGICAL RESOURCES**

The following measures shall be implemented to reduce potential impacts to biological resources to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

- BIO-1** To avoid direct impacts to the California horned lark, which nests on the ground and could nest on site, nesting bird surveys shall be conducted within 72 hours of any vegetation clearing if development occurs between March 15 and August 15. If occupied nests are present within 500 feet of the

construction area, impacts to vegetation shall be avoided until the juvenile birds have fledged.

In addition, implementation of mitigation measures LU-1, LU-2 and LU-3 (see *Section 4.1, Land Use*) would reduce off-site short-term indirect significant impacts to special status wildlife species and sensitive vegetation communities to below a level of significance.

Implementation of mitigation measures BIO-1, BIO-2, and BIO-3 would reduce the potential significant impact on nesting birds to below a level of significance:

**BIO-2** If the site has a potential to support nests and nesting raptors are present during grading and/or construction activities, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.

**BIO-3** If there is a potential for indirect noise impacts to nesting raptors, prior to any grading within the development area during the raptor breeding season (January 15 through August 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey shall be conducted and no construction shall be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

The following mitigation measure would reduce potential off-site impacts to nesting birds along the Black Mountain Road off-site traffic improvement area to less than significant:

**BIO-4** To avoid indirect impacts to raptors nesting in adjacent trees east of the work area, a nesting raptor survey shall be conducted by a qualified biologist within 72 hours prior to the start of grading if construction occurs between January 15 and August 15. If occupied nests are present within 500 feet of the construction area, construction must be avoided to the 500-foot buffer area around the nest until the juvenile birds have fledged.

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 56.30 ACRES LOCATED ON THE EAST SIDE OF WESTVIEW PARKWAY, NORTH OF MIRA MESA BOULEVARD, WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-3-7 ZONE INTO THE RM-3-8 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0400, AND REPEALING ORDINANCE NO.O-18451 (NEW SERIES), ADOPTED DECEMBER 9, 1997, OF ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

WHEREAS, under Charter Section 280(a)(2), this Ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 56.30 acres located on the east side of Westview Parkway, north of Mira Mesa Boulevard, and legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4269, filed in the office of the City Clerk as Document No. OO-\_\_\_\_\_, are rezoned from the Residential Base zones into the Residential Base zones, as the RM-3-8 zone is described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-18451 (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

//Submitted without signature//

By

\_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:cw:pev  
10/09/08  
Or.Dept:DSD  
O-2009-52  
MMS: #6880

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

APPROVING VESTING TENTATIVE MAP NO. 481936 AND  
EASEMENT VACATION NO. 368513 FOR THE CASA MIRA  
VIEW PROJECT.

WHEREAS, Scripps Mesa Developers, LLC, a California Limited Liability Company, Applicant/Subdivider, and John D. Leppert, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map [VTM] No. 481936) and easement vacation (Easement Vacation No. 368513), for the subdivision of land to develop a condominium project with 1,848 condominium units for the Casa Mira View Project [Project], located on the east side of Westview Parkway, north of Mira Mesa Boulevard, and legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the Mira Mesa Community Plan area, in the RM-3-7 zone which is proposed to be rezoned to the RM-3-8 zone; and

WHEREAS, the Map proposes the subdivision of a 41.31-acre site into six lots for condominium development; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 1,848; and

WHEREAS, on October 2, 2008, the Planning Commission of the City of San Diego considered VTM No. 481936 and Easement Vacation No. 368513, and pursuant to Resolution No. 4449-PC voted to recommend City Council approval of the vesting tentative map; and

WHEREAS, under Charter Section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to VTM No. 481936 and Easement Vacation No. 368513:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 6474(c) and 66474(d).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1)).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3)).

9. The property contains an easement which must be vacated to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Public Sewer and Storm Drain Easement per Document Recorded on August 26, 1977 as Instrument No. 77-351287, or O.R., portions of Drainage, Water Access and Sewer Facilities Easement dedicated per Map No. 7988, portions of Antenna Easement per Document recorded on November 23, 1971, as Instrument No. 71-273372, of O.R., portions of Sewer and Water Easement per Document recorded on November 23, 1977, as Instrument No. 77-486328, O.R., portions of Public Utilities Easement per Document recorded on September 21, 1992, as Instrument No. 1992-0597862, of O.R., portions of Water and Sewer Easement dedicated per Map No. 7988, located within the project boundaries as shown in Vesting Tentative Map No. 481936, shall be vacated, contingent upon the recordation of the approved final map for the project and that said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:



1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improved utilization of the land made available by the abandonment.

3. The abandonment is consistent with the Mira Mesa Community Plan.

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that VTM No. 481936 and Easement Vacation No. 368513 is granted to Scripps Mesa Developers, LLC, a California Limited Liability Company, Applicant/Subdivider and John D. Leppert, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

//Submitted without signature//

By

\_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:cw:pev  
10/09/08  
11/07/08 COR.COPY  
Or.Dept:DSD  
R-2009-447  
MMS: #6880

CONDITIONS FOR TENTATIVE MAP NO. 368513

CASA MIRA VIEW PROJECT

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Vesting Tentative Map [VTM] will expire on \_\_\_\_\_.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the VTM expiration date, a Final Map to consolidate the existing lots into six lots shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit [PDP] No. 294375/Site Development Permit [SDP] No. 294373.
5. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Subdivider of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Subdivider shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Subdivider shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Subdivider regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by Subdivider

**AFFORDABLE HOUSING**

6. Prior to the recordation of the Final Map, the Subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing

Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code [LDC]).

## **ENGINEERING**

7. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice [BMP's] maintenance.
9. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code [SDMC], into the construction plans or specifications.
10. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
11. The Final Map shall comply with the provisions of PDP No. 294375/SDP No. 294373.
12. The drainage system proposed for this subdivision, as shown on the approved VTM is subject to approval by the City Engineer, including the realigned storm drain and its appurtenances for maintenance.
13. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's account number and Drawing number. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
14. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
15. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map.
16. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No.

CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08 DWQ.
18. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
21. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

### **MAPPING**

22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
23. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone

for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

24. The Final Map shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**WASTEWATER AND WATER**

25. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
26. The Subdivider shall abandon the existing onsite public sewer main in the south portion of this lot or it will be converted to private, satisfactory to the Director of Public Utilities. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
27. The Subdivider shall provide evidence, satisfactory to the Director of Public Utilities, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.
28. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
29. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
30. All onsite sewer facilities shall be private.

31. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance; including meters, blow offs, valves, fire hydrants, et cetera, for all public water facilities that are not located within fully improved public rights of way, satisfactory to the Director of Public Utilities.
32. Prior to recording the final map, the Subdivider shall properly abandon the portions of existing 12-inch diameter water main per City drawing number 16126-D which traverses the site in a manner satisfactory to the Director of Public Utilities.
33. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead end main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.
34. The Subdivider shall design and construct all irrigation systems to utilize reclaimed water in a manner satisfactory to the Director of Public Utilities.
35. The Subdivider shall provide CC&R's for the operation and maintenance of on site private water facilities that serve or traverse more than one lot or unit.
36. The Subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements in accordance with established criteria in the most current edition of the City San Diego Water Facility Design Guidelines and regulations, standards, and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private.
37. Prior to the approval of any public improvement drawings, the Subdivider shall provide acceptable potable and reclaimed water studies satisfactory to the Director of Public Utilities. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.

## **INFORMATION:**

- The approval of this VTM by the Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities, including services, fire hydrants, and laterals, then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this VTM will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the VTM, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer SDMC section 142.0607.

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

RESOLUTION GRANTING PLANNED DEVELOPMENT  
PERMIT NO. 294375/SITE DEVELOPMENT PERMIT  
NO. 294373 FOR THE CASA MIRA VIEW PROJECT.

WHEREAS, Scripps Mesa Developers, LLC, a Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a planned development permit/site development permit to subdivide and develop a condominium project with 1,848 condominium units, known as the Casa Mira View project, located on six parcels along the east side of Westview Parkway between Dauntless Street and Mira Mesa Boulevard in the Mira Mesa community, and legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the Mira Mesa Community Plan area, in the RM-3-7 zone which is proposed to be rezoned to the RM-3-8 zone; and

WHEREAS, on October 2, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 294375/Site Development Permit [SDP] No. 294373, and pursuant to Resolution No. 4449-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter Section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the



decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to PDP No. 294375/SDP No. 294373:

**A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed multi-family development on the 41.31-acre site is designated for Residential use by the Mira Mesa Community Plan and allows residential development at the densities allowed by the existing RM-3-8 zone. The proposed project site is located within the Mira Mesa Community Plan area and designated for Medium-high density residential development at 30-45 dwelling units per net acre. The project as proposed conforms to the density in the community plan. With the approval of the rezone, the project would be also consistent with the approved development agreement. The project will help satisfy a variety of goals of the applicable land use plans. The project will increase the supply of housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the property would not conflict with goals of the community plan relative to topography as the project site has been previously graded. Being determined the project is consistent with the Progress Guide and General Plan, the Mira Mesa Community Plan, the regulations of the RM-3-8 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is included in a Development Agreement, Doc. No. 00-17178, filed November 14, 1988, and as such has or will provide significant public benefits which would not have occurred otherwise. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance; will comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for

Discharges of Storm Water Runoff Associated With Construction Activity. The development will also provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with current construction standards and codes. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development complies with the regulations of the RM-3-8 zone and site-specific development regulations for the property. No deviations or variances are required to approve the proposed project. The proposed development complies with all relevant regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into PDP No. 294375/SDP No. 294373. Development of the property will meet all requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The project will provide several significant features, amenities and improvements in the community. The project will add 1,848 housing units to the housing stock of the City of San Diego at a time in the history of the city when there is a housing shortage and in a community with a very low vacancy rate. The city currently has a very limited supply of land designated and zoned for medium to high density multi-family housing. Increasing the housing supply will be particularly beneficial in the Mira Mesa area because of the large and expanding employment base in the area. This site has long been identified in the Community Plan as the location where density should be located. This proposal will help to alleviate the shortage of multi-family housing opportunities. This project will also provide for affordable housing opportunities on-site. Housing near the many employment sites in Mira Mesa will aid in reducing automobile congestion, particularly during peak travel hours. The project will also create public areas within the property to promote pedestrian activity. Pedestrian walkways have been provided around the entire perimeter of the project which creates opportunities for the public display of art. Finally, the developer will be providing much needed FBA funding for the completion of identified public improvements. Furthermore, of the 1,848 units fully 10 percent or 185 dwelling units will be affordable to persons earning no more than 65 percent of the County average median income. Thus the development of the project will materially benefit the city by providing both housing units during a shortage of supply and by providing affordable housing to persons of special need. The resulting benefits of the project will be positive for the community and City of San Diego.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

The project includes several deviations, all of which provide a more desirable project. The deviations are as follows:

a. A deviation to increase the maximum allowed height of the structures. The maximum height proposed with this project is isolated at several locations along the buildings at 64 feet 7 inches above finish grade where 50 feet is otherwise allowed. Due to the existing grading of the site to control storm water on-site during the years of vacancy, when the buildings are measured from the pre-existing ground, the maximum height would be as much as 80 feet or 30 feet above the maximum allowed in the RM-3-8 zone. While the height of the flat roofed buildings is much closer to the 50 foot requirement, this increased height in limited areas on the site at specific locations of the building will permit greater flexibility for the design of the roofline, allow for more articulation of the parapets and turrets above the roofline, and an opportunity to increase the amount of open space being provided on the ground by the project. Allowing the deviation to the maximum height also results in an increase of the overall setbacks of the proposed buildings to the adjacent property lines. While the entire project meets the required setback requirements, the increase in allowable building height enables the project to greatly exceed the setback requirements. This further permits greater opportunities for landscaping within the project and along the adjacent streets of Westview Parkway and Interstate 15. When the density for the project site was designated in the community plan and in the existing Development Agreement, Doc. No. 00-17178, filed November 14, 1988, approximately twenty years ago, there was no height limit for the comparable zone. Height limits within the previous zone were not introduced into the Land Development Code until 2000 when the Land Development Code was last updated. If the buildings were reduced in height by even one entire floor, a project design consisting of the same number of dwelling units and unit floor area or square footage, would occupy an additional 201,110 square feet of site area on the ground or 4.62 acres of land. This would result in a needless reduction in usable open space and building setbacks and is not deemed to be as beneficial to the City and Mira Mesa community as allowing the proposed height deviation.

b. A deviation to develop less than the required 33 percent of the allowable floor area ratio [FAR] for structured parking. The efficiency of the architectural plan approved for the project results in structured parking that occupies less than the required minimum 33 percent of the allowable FAR. In addition, the structured parking will not be visible from any public vantage point. The residential buildings will surround the parking structures. Approving the project with a lower allocation of floor area ratio devoted to the required parking structures will result in greater amount of usable open space available to residents and visitors to the project. The project will provide a maximum of 27 percent of the available FAR for structured parking.

c. A deviation to allow an 8 foot high noise wall within the southerly side yard setback where a maximum height of 6 feet is otherwise permitted. This setback area is very wide and is measured at 59 feet in width. The noise wall is necessary to protect recreational uses that will be constructed and occur in this location within this setback area.

d. A deviation to allow the construction of carports for all the parking stalls located on the top deck of each parking structure rather than providing trees in raised containers to meet the tree distribution requirements for parking lots required in the City-wide Landscape Regulations. The purpose of providing trees within parking lots is to create shading of the pavement to reduce the heat island effect of large expanses of pavement. Carports will provide a superior quantity of shading on the parking structure deck when compared to living trees. Trees installed in containers on the top deck of the parking structure will never attain a height and breadth capable of providing an equivalent amount of shade as will be permanently provided by the carports.

As a result of the approved deviations and other design features of the project, the proposed project conforms to the overall policies, regulations and purpose and intent of the Planned Development regulations. The design will result in a more desirable project for the City and the community than would be realized through the strict application of the development regulations at this location.

## **B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504**

### **1. Findings for all Site Development Permits:**

a. **The proposed development will not adversely affect the applicable land use plan.** The proposed multi-family development on the 41.31-acre site is designated for Residential use by the Mira Mesa Community Plan and allows residential development at the densities allowed by the existing RM-3-8 zone. Being determined the project is consistent with the Progress Guide and General Plan, the Mira Mesa Community Plan, the regulations of the RM-3-8 zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan. Refer to Planned Development Permit Finding No. 1 above for additional detail.

b. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is included in a Development Agreement, Doc. No. 00-17178, filed November 14, 1988, and as such has or will provide significant public benefits which would not have occurred otherwise. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare. Refer to Planned Development Permit Finding No. 2 above for additional detail.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the RM-3-8 zone and site-specific development regulations for the property. No deviations or variances are required to approve the proposed project. The proposed development complies with all relevant regulations of the Land Development Code. Refer to Planned Development Permit Finding No. 3 above for additional detail.

**2. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings**

a. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. One hundred eighty-five dwelling units of affordable family housing will be developed as a result of the approval and subsequent construction of the project. One thousand six hundred sixty-three for-sale market rate condominiums will be developed. There will be no discernable distinction between the affordable and market rate units. These project features and goals will provide needed housing and development in an area of the city replete with redevelopment opportunity. The provision of 185 dwelling units affordable to persons at the income range described as 65 percent of the County average median income will contribute in a real and meaningful way towards the goals of providing affordable housing in the City.

b. The development will not be inconsistent with the purpose or the underlying zone. The development of 1,848 dwelling units on the proposed site will be consistent with the regulations of the RM-3-8 zone and all other regulations and policies of the City of San Diego which zone the site for residential use. The purpose of the RM-3-8 zone is to allow for the provision and development of multiple unit housing in accordance with specific development regulations of the zone in areas designated by the zoning and community plan for multiple family dwelling units. Development of the site with the project will comply with all relevant regulations of the RM-3-8 zone.

c. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development complies with the Mira Mesa Community Plan which designates the site for multiple dwelling unit development. The proposed deviations are necessary to maximize the use of the land and to provide the highest quality affordable housing development. The deviations are required due to existing infrastructure adjacent to the site and to the limitations of the zoning regulations. The proposed project includes architectural plans with extensive articulation and fenestration. This level of detail is consistent with the purpose and intent of the planned development regulations; however, in order to implement the site plan and architecture at this site; and to maximize the density and intensity of development at the site to contribute to the housing stock of the City of San Diego, the proposed deviations are granted. All other requirements comply with the regulations which apply to the project site in accordance with the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that PDP No. 294375/SDP No. 294373 is granted to Scripps Mesa Developers, LLC, a Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

//Submitted without signature//

By

\_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:cw:pev

10/09/08

Or.Dept:DSD

R-2009-446

MMS: #6880

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**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 425739

PLANNED DEVELOPMENT PERMIT NO. 294375 and  
SITE DEVELOPMENT PERMIT NO. 294373  
**CASA MIRA VIEW - PROJECT NO. 91647 [MMRP]**  
CITY COUNCIL

*This Planned Development Permit No. 294375 and Site Development Permit No. 294373 is granted by the Council of the City of San Diego to Scripps Mesa, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600 and 126.0500. The 41.31 acre site is located on the east side of Westview Parkway between Dauntless Street and Mira Mesa Boulevard in the RM-3-7 Zone which is proposed to be rezoned to the RM-3-8 Zone in the Mira Mesa community plan area. The project site is legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder.*

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the subdivision of land to develop a condominium project with 1,848 condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. The subdivision of land and development of a condominium project with 1,848 condominium units of which 185 dwelling units shall be affordable housing units in compliance with the Inclusionary Housing Ordinance; forty of these affordable housing units may be located off-site at the Legacy Apartments project, consistent with an agreement with the Housing Commission;
- b. Four deviations are approved with the project and are described as follows: 1) Maximum building height would be 64 feet 7 inches above the proposed finish grade where 50 feet is otherwise allowed; 2) Develop less than 33% of the minimum required Floor Area Ratio (FAR) for the structured parking. The structured parking FAR would

be 27.9%; 3) An eight foot noise wall within the southerly side yard setback, where a maximum height of six feet is allowed; 4) Allow construction of carports for all parking spaces located on the top deck of each parking structure in lieu of complying with the tree distribution requirements for parking lots.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

#### **STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.



6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Environmental Impact Report No. 91647, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report No. 91647, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be complied with, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use/Multiple Species Conservation Program
- Traffic/Circulation
- Air Quality
- Public Facilities and Services
- Noise
- Paleontological Resources
- Biological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**ENGINEERING REQUIREMENTS:**

16. The Permit shall comply with the conditions of the Vesting Tentative Map No. 481936.

**LANDSCAPE REQUIREMENTS:**

17. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

18. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A."

19. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

20. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

22. If any required landscape, including but not limited to existing or new plantings, hardscape, landscape features, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

#### **PLANNING/DESIGN REQUIREMENTS:**

23. No fewer than 3,387 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

25. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

26. The Owner/Permittee shall post a copy of this permit and Tentative Map in the sales office for consideration by each prospective buyer.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

28. Prior to the issuance of building permits, the Owner/Permittee shall vary the architectural theme and color palette consistent with the approved Exhibit "A," satisfactory to the Development Services Director. Actual color selections may vary at the time of paint application in the field.

### **TRANSPORTATION REQUIREMENTS**

29. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road.

30. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, widening of eastbound and westbound approaches and assure an additional westbound right-turn lane at the intersection of Black Mountain Road and Gold Coast Drive.

31. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Black Mountain Road and Hillery Drive.

32. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall provide a fair-share contribution of \$75,268 toward improvements at the intersection of Black Mountain Road and Carroll Canyon Road, to the satisfaction of the City Engineer.

33. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall either provide a fair-share contribution of \$1,572,000 towards the construction of the I-15 'managed lanes south segment' project or provide a fair-share contribution distributed by building and totaling \$1,572,000 (in 2008 dollars) in the following manner: Prior to the issuance of a building permit for the first residential building permit, the Owner/Permittee shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential unit), the Owner/Permittee shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the third building (1621<sup>st</sup> residential unit), the Owner/Permittee shall provide a fair-share contribution of \$172,000 (in 2008 dollars) towards the construction of the I-15 'managed lanes south segment' project. This contribution is to be paid subject to the satisfaction of the City Engineer.

34. Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential dwelling unit), the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a third northbound and a third southbound thru lanes and transitions on Black

Mountain Road from Mercy Road transitioning to four lanes prior to the Penasquitos Canyon Creek Bridge.

35. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, an extension of the westbound dual-left turn lanes on Mira Mesa Boulevard as well as provide striping, signing, and modifications to increase the storage for the southbound left turn lanes on Westview Parkway in order to increase the capacity of this intersection and increase the capacity of street segments on Mira Mesa Boulevard.

36. Prior to the issuance of a building permit for the second building (811th residential unit), the Owner/Permittee shall provide a private shuttle service as part of the Transportation Demand Management Plan connecting the project to existing shopping opportunities at Mira Mesa Marketplace Center and transit connections on Mira Mesa Boulevard and Black Mountain Road subject to the satisfaction of the City Engineer. This shuttle shall have two stops on the project site and shall be limited to residents and guests of the development. The shuttle shall carry no fewer than 16 passengers and shall conform to the requirements of the American with Disabilities Act (ADA accessible). The shuttle shall maintain 15 minute headways in weekday peak hours. Days, hours of operation, and routing are to be satisfactory to the City Engineer.

37. Prior to the issuance of a building permit for first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a traffic signal at the intersection of Westview Parkway and the project's main access, relocation of the park driveway to be located at the signalized location, re-striping of Westview Parkway to accommodate the signal, and a signal interconnect between the existing signals on Westview parkway at Galvin/Westview parkway at Capricorn and the new signalized project access on Westview parkway.

38. Prior to the issuance of a building permit for the third building (1621st dwelling unit) the Owner/Permittee shall provide, to the satisfaction of the City Engineer, an improvement for a connection to the existing public road and signal at Galvin Avenue and Westview Parkway to provide a second signalized access to the project.

#### **WASTEWATER REQUIREMENTS:**

39. All onsite sewer facilities will be private.

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

41. Prior to the issuance of any occupancy permit, the Owner/Permittee shall abandon the existing onsite public sewer main in the south portion of this lot or it will be converted to private, satisfactory to the Director of Public Utilities. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

42. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

43. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

44. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

45. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

#### **WATER REQUIREMENTS:**

46. Prior to the approval of any public improvement drawings, the Owner/Permittee shall provide acceptable potable and reclaimed water studies satisfactory to the Public Utilities Director. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal of all existing unused services within the proposed driveway easement access, in a manner satisfactory to the Public Utilities Director and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any building permits, the Owner/Permittee shall grant additional widened easement to include the proposed alignment of the driveway entrance, fire lane and portions of the northwest driveway which contain the existing water main and all associated water appurtenances including but not limited to the water and fire services, on-site fire hydrants, et cetera, in a manner satisfactory to the Public Utilities Director and the City Engineer.

50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

51. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

52. Prior to issuance of any building or construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of recycled water services to provide connection to the recycled water system to be used for all irrigation and construction needs of the project as approved by the Public Utilities Director and the City Engineer. If recycled water is not yet available, then the irrigation systems shall be designed in such a manner as to accept recycled water when available and avoid any potential cross connections.

53. Prior to issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to provide connection to the recycled water system to be used for all irrigation needs of the project.

54. Prior to issuance of any building permits, the Owner/Permittee shall provide the Covenants, Conditions and Restrictions (CC&R's) that will be used by the Casa Mira View Homeowners Association for the operation and maintenance of all the private water recycling lines and appurtenances that serve the site. The CC&R's must also include LEED certified water conservation measures or equivalent and WaterSense or Energy Star appliances.

55. The Owner/Permittee shall design and construct all proposed buildings in compliance with the State of California 2007 California Green Building Standards Code, CCR, Title 24, Part 11 or comparable for water conservation measures which achieves a 20% improvement in water use efficiency for residential and commercial plumbing fixtures over the building code in effect as of the date of preparation of the Water Supply Assessment.

56. The Owner/Permittee agrees to design and construct all proposed buildings to include LEED certified or equivalent water conservation measures and Water Sense or Energy Star Appliances as approved by the Public Utilities Director and the City Engineer. These measures shall reduce the overall water demand by a minimum of 7.5 %.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Council of the City of San Diego on [date and resolution number].

Permit Type/PTS Approval No.: PDPermit No. 294375  
and SDP No. 294373

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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Kelly Broughton  
Director  
Development Services

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1180 et seq.**

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**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**Scripps Mesa, LLC, Owner/Permittee**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**Scripps Mesa, LLC, Owner/Permittee**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**



RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

WHEREAS, on June 14, 2006, SCRIPPS MESA DEVELOPERS, LLC, submitted an application to the Development Services Department for a Rezone, Easement Vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit;

WHEREAS, the permit was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on DATE; and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Environmental Impact Report No.91647/SCH No 2007111095. NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that Environmental Impact Report No. 91647/SCH No 2007111095, in connection with the Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code Section 21081 and Administrative Code Section 15091, the City Council hereby adopts the Findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: Michael Aguirre, City Attorney

By: \_\_\_\_\_  
Deputy City Attorney

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936,  
Planned Development Permit No. 294375 and Site Development Permit No. 294373

#### PROJECT NO. 91647

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Environmental Impact Report (Project No. 91647/SCH No 2007111095) shall be made conditions of the Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373 as may be further described below.

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the MMRP for the following environmental issue areas as identified in the Casa Mira View EIR: Land Use/Multiple Species Conservation Program; Traffic/Circulation; Air Quality; Public Facilities and Services; Noise; Paleontological Resources and Biological Resources. The mitigation measures identified below include all applicable measures from the Casa Mira View EIR (Project No. 91647/ SCH No. 2007111095). This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California Public Resources Code requires a lead or responsible agency that approves or carries out a project where an environmental impact report (EIR) has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the Lead Agency for the Casa Mira View EIR, and therefore must ensure the enforceability of the Mitigation Monitoring and Reporting Program (MMRP). An EIR, has been prepared for this project which addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented.

#### 10.1 GENERAL

Prior to issuance of a Notice to Proceed (NTC), the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the following Mitigation Measures have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.

Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Biologist/Archaeologist/Paleontologist, Applicant and other parties of interest.

Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

## **10.2 LAND USE**

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department during construction. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

- LU-1** Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of the Entitlements Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:
- A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of the Entitlements Division stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.
  - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section, which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.
  - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
  - D. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
- LU-2** In addition the following mitigation measures related to the MHPA Land Use Adjacency Guidelines shall be implemented:
- A. Prior to initiation of any construction-related grading, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
  - B. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A. The limits of grading shall be defined with silt fencing or

orange construction fencing and checked by the biological monitor before initiation of construction grading.

- C. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. Landscape plans shall not contain invasive, non-native species.
- D. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
- E. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.
- F. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
- G. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.

**LU-3** Should construction occur during the breeding season of the coastal California gnatcatcher (March 1 through August 15), and least Bell's vireo (March 15 and September 15), the following mitigation measures shall be required and implemented:

- A. COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)- Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- 1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the

breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:

- a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
- b. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or
- c. At least two weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

\*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are

not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
  - a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

- B. LEAST BELL'S VIREO (State Endangered/Federally Endangered) - Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the least Bell's vireo. Surveys for the least Bell's vireo shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the least Bell's vireo are present, then the following conditions must be met:
  - a. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
  - b. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the

commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

- c. At least two weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 15).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
  - a. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

### **10.3 TRAFFIC AND CIRCULATION**

The Casa Mira View project shall provide improvements to intersections and street segments to mitigate direct or cumulative impacts to these locations. *Figure 4.2-8* shows the locations and description of the improvements to be provided by the project. The mitigation measures required by the project are discussed below.



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**TRAF-1** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road. This mitigation would reduce impacts, to the intersection Mira Mesa Boulevard and Black Mountain Road, to below a level of significance and would partially mitigate the project's significant impacts to the Mira Mesa Boulevard street segment from Westview Parkway to Black Mountain Road.

For the direct and cumulatively significant impacts along the Mira Mesa Boulevard street segment, between Westview Parkway and Black Mountain Road, unmitigable impacts would result. To fully mitigate for the project's impact, the existing road would require widening to 8 lanes from its current configuration of 7 lanes. Further widening of this segment of Mira Mesa Boulevard would require eminent domain by the City to remove existing structures along this street segment, including private commercial businesses. As such it is considered infeasible and would remain unmitigated. Implementation of mitigation measures TRAF-1 would improve the traffic conditions for street segments on Mira Mesa Boulevard; however, not to a level below significance.

**TRAF-2** Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential dwelling unit), the applicant shall assure, to the satisfaction of the City Engineer, construction of a third northbound and a third southbound thru lanes and transitions on Black Mountain Road from Mercy Road transitioning to four lanes prior to the Penasquitos Canyon Creek Bridge. This mitigation would fully mitigate the project's impacts to the intersection of Mercy Road and Black Mountain Road and partially mitigate the project's significant impacts to the Black Mountain Road (Mercy Road to Park Village Drive) street segment.

To fully mitigate for the project's significant impact along this roadway segment, a full 6-lane widening of the entire segment from Mercy Road to Park Village Drive would be required. However, because full widening would require bridge widening, elimination of the existing planted median, and relocation of a major water line, the full widening is not feasible. Therefore, the applicant shall provide feasible mitigation, that is, 6-lane widening of Black Mountain Road, for approximately 960 feet north of Mercy Road, until the existing Black Mountain Road bridge.

Approximately 290 feet of Black Mountain Road from the Penasquitos Canyon Creek Bridge to Park Village Drive would not be widened to 6-lanes and would remain unmitigated.

**TRAF-3** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Black Mountain Road and Hillery Drive. This mitigation would reduce impacts, to the Black Mountain Road and Hillery Drive intersection, to below a level of significance.

**TRAF-4** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, widening of eastbound and westbound approaches and assure an additional westbound right-turn lane at the intersection of Black Mountain Road and Gold Coast Drive. This mitigation would reduce impacts, to the intersection of Gold Coast Drive and Black Mountain Road, to below a level of significance.

**TRAF-5** Prior to the issuance of a building permit for the first residential dwelling unit, the project applicant shall either provide a fair-share contribution of \$1,572,000 towards the construction of the I-15 'managed lanes south segment' project or provide a fair share contribution distributed by building and totaling \$1,572,000 (in 2008 dollars) in the following manner: Prior to the issuance of a building permit for the first residential building permit, the applicant shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential unit), the applicant shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the third building (1,621<sup>st</sup> residential unit), the applicant shall provide a fair-share contribution of \$172,000 (in 2008 dollars) towards the construction of the I-15 'managed lanes south segment' project. This contribution is to be paid subject to the satisfaction of the City Engineer. The fair-share contribution would partially mitigate the Mira Mesa Boulevard/ I-15 SB ramp cumulative impact and the Mira Mesa Boulevard street segment from I-15 onramps to Westview Parkway; however, there is no certain method of determining whether or not the fair-share contribution to Caltrans would actually fully mitigate the project's cumulative contribution to significant impacts at this intersection, and if construction of the managed lanes south segment project is not completed by Caltrans, impacts would remain unmitigated.

**TRAF-6** Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, an extension of the westbound dual-left turn lanes on Mira Mesa Boulevard as well as provide striping, signing, and modifications to increase the storage for the southbound left turn lanes on Westview Parkway in order to increase the capacity of this intersection and increase the capacity of street segments on Mira Mesa Boulevard. This mitigation measure would partially reduce impacts to the Mira Mesa Boulevard street segment from the I-15 on-ramps to Westview Parkway.

#### **10.4 AIR QUALITY**

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department during construction. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

- AQ-1** During the construction phase, contractors shall maintain equipment and vehicle engines in good condition and in proper tune per manufacturers' specifications. Construction equipment utilized for grading and excavation shall be equipped with a diesel oxidation catalyst of reducing NO<sub>x</sub> emissions by 40 percent. As feasible, contractors shall utilize electricity from power poles rather than temporary diesel or gasoline generators. Heavy-duty haul/delivery trucks shall be prohibited from idling in excess of five minutes, both on and off site, to be consistent with State law.
- AQ-2** Construction activity that affects traffic flow on the arterial system shall be limited to off-peak hours, as feasible. In addition, construction parking shall be configured to minimize traffic interference.

No feasible mitigation measures are available to reduce long-term operational PM<sub>10</sub>, CO, and VOC emissions to less than significant levels. The majority of the operational air quality impacts

are a result of the estimated 11,088 average daily trips generated by the project (USA 2008a). While the project has included shuttle services, which would serve to reduce operational emissions, the amount of reduction is difficult to quantify. Also, it is not feasible for the applicant to require emission control devices be implemented on private vehicles associated with the project. There are no other feasible mitigation measures to reduce mobile source emissions to less than significant levels. Therefore, the project would result in a significant and unavoidable regional operations impact from PM<sub>10</sub>, CO, and VOC emissions.

## **10.5 PUBLIC FACILITIES AND SERVICES**

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future project plans have incorporated or complied with the following measures:

### **Entitlements Plan Check**

- PFS-1** Prior to the issuance of any construction permit, including but is not limited to, demolition, grading, building or any other construction permit, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the all the requirements of the Refuse & Recyclable Materials Storage Regulations and all of the requirements of the waste management plan are shown and noted on the appropriate construction documents. All requirements, notes and graphics shall be in substantial conformance with the conditions and exhibits of the associated discretionary approval.
- PFS-2** The construction documents shall include a waste management plan that addresses the following information and elements for demolition, construction, and occupancy phases of the project as applicable:
- (a) tons of waste anticipated to be generated
  - (b) material type of waste to be generated
  - (c) source separation techniques for waste generated
  - (d) how materials will be reused on site
  - (e) name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused on site
  - (f) a "buy recycled" program
  - (g) how the project will aim to reduce the generation of construction/ demolition debris
  - (h) a plan of how waste reduction and recycling goals will be communicated to subcontractors
  - (i) a time line for each of the three main phases of the project as stated above
  - (j) a list of required progress and final inspections by City staff.
- PFS-3** The plan shall strive for a goal of 50% waste reduction.
- PFS-4** The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals.

**PFS-5** The Plan shall include notes requiring the Permittee to notify MMC and ESD when:

- (a) a demolition permit is issued
- (b) demolition begins on site
- (c) inspections are needed. The permittee shall arrange for progress inspections, and a final inspection, as specified in the plan and shall contact both MMC and ESD to perform these periodic site visits during demolition and construction to inspect the progress of the project's waste diversion efforts.

When Demolition ends, notification shall be sent to:

Mitigation Monitoring Coordination (MMC) Environmental Review Specialist  
9601 Ridgehaven Court, Ste. 320, MS 1102 B  
San Diego, CA 92123 1636  
(619) 980 7122

Development Service Department, Environmental Services Department (ESD)  
9601 Ridgehaven Court, Ste. 320, MS 1103 B  
San Diego, CA 92123 1636  
(858) 627-3303

**PFS-6** Prior to the issuance of any grading or building permit, the applicant shall receive approval, in writing, from the ADD of Entitlements Division, environmental designee (MMC) that the waste management plan has been prepared, approved, and implemented. Also prior to the issuance of any grading or building permit, the applicant shall submit written evidence to the ADD that the final Demolition/Construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the above Waste Management Plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, and how that goal was achieved, etc.

**A. Pre Construction Meeting**

1. Demolition Permit - Prior to issuance of any demolition permit, the permittee shall be responsible to obtain written verification from MMC indicating that the permittee has arranged a preconstruction meeting to coordinate the implementation of the MMRP. The Precon Meeting shall include: the Construction Manager, Demolition/Building/Grading Contractor; MMC; and ESD and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by Entitlements Division and the San Diego Environmental Services Department (ESD), to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
2. At the Precon Meeting, the Permittee shall submit three (3) reduced copies (11x17 inches) of the approved waste management plan, which two (2) copies are to be distributed to MMC and one (1) ESD.

3. Prior to the start of demolition, the Permittee and/or the Construction Manager shall submit a construction/demolition schedule to MMC and ESD.
  - a. Grading and Building Permit - Prior to issuance of any grading or building permit, the Permittee shall be responsible to arrange a preconstruction meeting to coordinate the implementation of the MMRP. The Precon Meeting shall include: the Construction Manager, Building/Grading Contractor, MMC, ESD, and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by Entitlement Division and the ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
4. The Permittee and/or Construction Manager shall call for inspections by the RE/BI and both MMC and ESD, who will periodically visit the demolition/construction site to verify implementation of the waste management plan. The Consultant Site Visit Record (CSVSR) shall be used to document the Daily Waste Management Activity/progress.
5. Within 30 days after the completion of the implementation of the MMRP, for any demolition or construction permit, a final results report shall be submitted to both MMC and ESD for review and approval to the satisfaction of the City. MMC will coordinate the approval with ESD and issue the approval notification.
6. Prior to final clearance of any demolition permit, issuance of any grading or building permit, release of the grading bond and/or issuance of any Certificate of Occupancy, the permittee shall provide documentation to the ADD of the Entitlements Division that the waste management plan has been effectively implemented.

#### **10.6 NOISE**

The following measures shall be implemented to reduce exterior noise levels for multifamily residences during construction, to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans incorporate or comply with the following measures:

- NOI-1** All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices. This would reduce construction noise levels by at least 5 dB(A).
- NOI-2** Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment).
- NOI-3** Equipment staging areas shall be located on the southeastern portion of the project site, as far away as possible from single-family residences and the Willard B. Hage Elementary School.

- NOI-4** During building construction, the construction contractor shall implement sound attenuation blankets with a Sound Transmission Class rating of ten or more along the northern portion of the project site. The sound attenuation blankets shall break the line-of-sight between construction activities and the single-family residences adjacent to the project site. The sound attenuation blankets shall remain in place as long as construction activity is located within 175 feet of the single-family residences. This would reduce construction noise levels by 10 dB(A) at single-family residences located north of the project site.
- NOI-5** During building construction, a five-foot temporary noise barrier (e.g., solid wood) shall be constructed by the construction contractor along the western portion of the project site such that line-of-sight between construction activities and the Willard B. Hage Elementary School is blocked. The five-foot noise barrier shall remain in place as long as construction activity is located within 175 feet of the elementary school. This would reduce construction noise levels by 5 dB(A) at the Willard B. Hage Elementary School.
- NOI-6** The construction contractor shall establish a noise disturbance coordinator. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early in the day, bad muffler, etc.) and shall be required to implement measures such that the complaint is resolved to the satisfaction of the City Engineering Department. Signs posted at the construction site shall list the telephone number for the disturbance coordinator.
- NOI-7** During building construction, a five-foot temporary noise barrier (e.g. solid wood) shall be constructed such that the line-of-sight is blocked between construction activity and new dwelling units. The five-foot noise barrier that blocks the line-of-sight from construction activity to new dwelling units constructed on the project site shall remain in place until buildings are constructed during phases 2 and 3.
- NOI-8** Lease agreements for residents occupying Phase 1 and Phase 2 dwelling units shall include notification of on-going phases 2 and 3 construction activity.
- NOI-9** An eight-foot permanent noise barrier (e.g., earth berm, solid wall, or some combination therefore) shall be constructed between the northeastern recreation area and I-15.

With implementation of NOI-1 through NOI-6, construction noise levels at the single-family residences north of the project site, the Willard B. Hage Elementary School, and single-family residences northwest of the project would be reduced to below the 75 dB(A) construction noise threshold. Therefore, construction noise would result in a less-than-significant impact to off-site receptors after implementation of mitigation.

Mitigation measures NOI-1 and NOI-7 would each reduce construction noise levels at Phase 1 dwelling units by 5 dB(A), reducing the noise levels at Building 1 to 79 dB(A). This would exceed the 75 dB(A) significance threshold and, as such, construction noise would result in a short-term significant and unavoidable impact to new on-site residences.

Mitigation measure NOI-9 would reduce exterior noise levels at the northeastern recreational area by approximately 7 dB(A). This would result in maximum exterior noise levels of approximately 59.6 dB(A); which is below the 60 dB(A) significance threshold. Therefore, impacts from the northeastern recreational area would be reduced to less than significant levels.

## **10.7 PALEONTOLOGY**

The following measures shall be implemented to reduce potential impacts to paleontological resources, to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:.

**PALEO-1**            The following shall be implemented:

### **I.            Prior to Permit Issuance**

#### **A.            Entitlement Division Plan Check**

1.       Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

#### **B.            Letters of Qualification have been submitted to ADD**

1.       The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2.       MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3.       Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

### **II.           Prior to Start of Construction**

#### **A.            Verification of Records Search**

1.       The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

**B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

**III. During Construction**

**A. Monitor Shall be Present During Grading/Excavation/Trenching**

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that



could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.

2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to

monitor the area without notification to MMC unless a significant resource is encountered.

- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night and/or Weekend Work**

##### **A. If night and/or weekend work is included in the contract**

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
  - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
  - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
  - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
  - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

##### **B. If night work becomes necessary during the course of construction**

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

##### **C. All other procedures described above shall apply, as appropriate.**

#### **V. Post Construction**

##### **A. Preparation and Submittal of Draft Monitoring Report**

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
  - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

**B. Handling of Fossil Remains**

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

**C. Curation of fossil remains: Deed of Gift and Acceptance Verification**

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

## **10.8 BIOLOGICAL RESOURCES**

The following measures shall be implemented to reduce potential impacts to biological resources to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

**BIO-1** To avoid direct impacts to the California horned lark, which nests on the ground and could nest on site, nesting bird surveys shall be conducted within 72 hours of any vegetation clearing if development occurs between March 15 and August 15. If occupied nests are present within 500 feet of the construction area, impacts to vegetation shall be avoided until the juvenile birds have fledged.

In addition, implementation of mitigation measures LU-1, LU-2 and LU-3 (see *Section 4.1, Land Use*) would reduce off-site short-term indirect significant impacts to special status wildlife species and sensitive vegetation communities to below a level of significance.

Implementation of mitigation measures BIO-1, BIO-2, and BIO-3 would reduce the potential significant impact on nesting birds to below a level of significance:

**BIO-2** If the site has a potential to support nests and nesting raptors are present during grading and/or construction activities, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.

**BIO-3** If there is a potential for indirect noise impacts to nesting raptors, prior to any grading within the development area during the raptor breeding season (January 15 through August 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey shall be conducted and no construction shall be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

The following mitigation measure would reduce potential off-site impacts to nesting birds along the Black Mountain Road off-site traffic improvement area to less than significant:

**BIO-4** To avoid indirect impacts to raptors nesting in adjacent trees east of the work area, a nesting raptor survey shall be conducted by a qualified biologist within 72 hours prior to the start of grading if construction occurs between January 15 and August 15. If occupied nests are present within 500 feet of the construction area, construction must be avoided to the 500-foot buffer area around the nest until the juvenile birds have fledged.

"[INSERT DOCUMENT DATE]"

CITY COUNCIL RESOLUTION NO. – RESO NO.  
VESTING TENTATIVE MAP NO. 481936  
CASA MIRA VIEW - PROJECT NO. 91647  
**DRAFT**

WHEREAS, SCRIPPS MESA DEVELOPERS, LLC, Subdivider/Applicant, and JOHN D. LEPPERT, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map No. 481936 and Easement Vacation No. 368513, for the subdivision of land to develop a condominium project with 1,848 condominium units. The project site is located on the east side of Westview Parkway, north of Mira Mesa Boulevard, legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the RM-3-7 zone which is proposed to be rezoned to the RM-3-8 zone in the Mira Mesa community plan area; and

WHEREAS, the Map proposes the subdivision of a 41.31 acre site into six lots for condominium development; and

WHEREAS, Environmental Impact Report No. 91647 was prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 1,848; and

WHEREAS, on October 2, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map, No. 481936 and Easement Vacation No. 368513, and pursuant to Resolution No. 4449-PC voted to recommend City Council approval of the map; and

WHEREAS, on HEARING DATE, the Council of the City of San Diego considered Vesting Tentative Map, No. 481936 and Easement Vacation No. 368513, and pursuant to Sections 125.0440 and 125.0430 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map, No. 481936 and Easement Vacation No. 368513:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. The property contains an easement which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 481936 and Easement Vacation No. 368513, is

hereby granted to SCRIPPS MESA DEVELOPERS, LLC, Subdivider/Applicant, subject to the following conditions:

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of Public Sewer and Storm Drain Easement per Document Recorded on August 26, 1977 as Instrument No. 77-351287, or O.R., portions of Drainage, Water Access and Sewer Facilities Easement dedicated per Map No. 7988, portions of Antenna Easement per Document recorded on November 23, 1971, as Instrument No. 71-273372, of O.R., portions of Sewer and Water Easement per Document recorded on November 23, 1977, as Instrument No. 77-486328, O.R., portions of Public Utilities Easement per Document recorded on September 21, 1992, as Instrument No. 1992-0597862, of O.R., portions of Water and Sewer Easement dedicated per Map No. 7988, located within the project boundaries as shown in Vesting Tentative Map No. 481936, shall be vacated, contingent upon the recordation of the approved final map for the project and That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.
2. The public will benefit from the action through improved utilization of the land made available by the abandonment.
3. The abandonment is consistent with the Mira Mesa Community Plan.
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

#### **GENERAL**

1. This Vesting Tentative Map will expire [INSERT DATE - 3 YEARS FROM DECISION DATE].
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into six lots shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 294375 and Site Development Permit No. 294373.

5. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Subdivider of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Subdivider shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Subdivider shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Subdivider regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by Subdivider.

#### **AFFORDABLE HOUSING**

6. Prior to the recordation of the Final Map, the Subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

#### **ENGINEERING**

7. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
10. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.



11. The Final Map shall comply with the provisions of Planned Development Permit No. 294375 and Site Development Permit No. 294373.
12. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map is subject to approval by the City Engineer, including the realigned storm drain and its appurtenances for maintenance.
13. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's account number and Drawing number. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
14. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
15. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map.
16. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
17. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
18. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

20. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
21. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## MAPPING

22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
23. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
24. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

## WASTEWATER AND WATER

25. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
26. The Subdivider shall abandon the existing onsite public sewer main in the south portion of this lot or it will be converted to private, satisfactory to the Director of Public Utilities. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
27. The Subdivider shall provide evidence, satisfactory to the Director of Public Utilities, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.
28. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
29. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
30. All onsite sewer facilities shall be private.
31. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance; including meters, blow offs, valves, fire hydrants, et cetera, for all public water facilities that are not located within fully improved public rights of way, satisfactory to the Director of Public Utilities.
32. Prior to recording the final map, the Subdivider shall properly abandon the portions of existing 12-inch diameter water main per City drawing number 16126-D which traverses the site in a manner satisfactory to the Director of Public Utilities.
33. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead end main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.
34. The Subdivider shall design and construct all irrigation systems to utilize reclaimed water in a manner satisfactory to the Director of Public Utilities.
35. The Subdivider shall provide CC&Rs for the operation and maintenance of on site private water facilities that serve or traverse more than one lot or unit.

36. The Subdivider agrees to design and construct all proposed public water facilities, including services, meters, and easements in accordance with established criteria in the most current edition of the City San Diego Water Facility Design Guidelines and regulations, standards, and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private.
37. Prior to the approval of any public improvement drawings, the Subdivider shall provide acceptable potable and reclaimed water studies satisfactory to the Director of Public Utilities. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.

**INFORMATION:**

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities, including services, fire hydrants, and laterals, then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the

Project No. 91647  
VTM No. 481936  
INSERT APPROVAL DATE

*required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.*

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO,  
CALIFORNIA, ON HEARING DATE [IN CAPS].

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

ATTY/SEC. INITIALS  
DATE  
R- INSERT  
Reviewed by John S. Fisher

Job Order No. 425739

(R-INSERT)

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, Scripps Mesa Developers, LLC, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 294375 and Site Development Permit No. 294373 to subdivide and develop a condominium project with 1,848 condominium units known as the Casa Mira View project, located on six parcels along the east side of Westview Parkway between Dauntless Street and Mira Mesa Boulevard in the Mira Mesa community, and legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the Mira Mesa Community Plan area, in the RM-3-7 zone which is proposed to be rezoned to the RM-3-8 zone; and

WHEREAS, on October 2, 2008, the Planning Commission of the City of San Diego considered Planned Development Permit No. 294375 and Site Development Permit No. 294373, and pursuant to Resolution No. 4449-PC voted to recommend City Council approval of the permits; and

WHEREAS, the matter was set for public hearing on DATE, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 294375 and Site Development Permit No. 294373:

**Planned Development Permit - Section 126.0604**

**A. Findings for all Planned Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed multi-family development on the 41.31 acre site is designated for Residential use by the Mira Mesa Community Plan and allows residential development at the densities allowed by the existing RM-3-8 Zone. The proposed project site is located within the Mira Mesa Community Plan area and designated for Medium-high density residential development at 30-45 dwelling units per net acre. The project as proposed conforms to the density in the community plan. With the approval of the rezone, the project would be also consistent with the approved development agreement. The project will help satisfy a variety of goals of the applicable land use plans. The project will increase the supply of housing in the community within walking distance of transit, shopping, and employment opportunities. Development of the property would not conflict with goals of the community plan relative to topography as the project site has been previously graded. Being determined the project is consistent with the Progress Guide and General Plan, the Mira Mesa Community Plan, the regulations of the RM-3-8 Zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is included in a Development Agreement, Doc. No. 00-17178, filed November 14, 1988 and as such has or will provide significant public benefits which would not have occurred otherwise. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. The development will also provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with current construction standards and codes. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development complies with the regulations of the RM-3-8 Zone and site-specific development regulations for the property. No deviations or variances are required to approve the proposed project. The proposed development complies with all relevant regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 294375 and Site Development Permit No. 294373. Development of the property will meet all requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The project will provide several significant features, amenities and improvements in the community. The project will add 1,848 housing units to the housing stock of the City of San Diego at a time in the history of the city when there is a housing shortage and in a community with a very low vacancy rate. The city currently has a very limited supply of land designated and zoned for medium to high density multi-family housing. Increasing the housing supply will be particularly beneficial in the Mira Mesa area because of the large and expanding employment base in the area. This site has long been identified in the Community Plan as the location where density should be located. This proposal will help to alleviate the shortage of multi-family housing opportunities. This project will also provide for affordable housing opportunities on-site. Housing near the many employment sites in Mira Mesa will aid in reducing automobile congestion, particularly during peak travel hours. The project will also create public areas within the property to promote pedestrian activity. Pedestrian walkways have been provided around the entire perimeter of the project which creates opportunities for the public display of art. Finally, the developer will be providing much needed FBA funding for the completion of identified public improvements. Furthermore, of the 1,848 units fully ten percent or 185 dwelling units will be affordable to persons earning no more than sixty-five percent of the County average median income. Thus the development of the project will materially benefit the city by providing both housing units during a shortage of supply and by providing affordable housing to persons of special need. The resulting benefits of the project will be positive for the community and City of San Diego.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project includes several deviations, all of which provide a more desirable project. The deviations are as follows:

- a. A deviation to increase the maximum allowed height of the structures. The maximum height proposed with this project is isolated at several locations along the buildings at 64 feet 7 inches above finish grade where 50 feet is otherwise allowed. Due to the existing grading of the site to control storm water on-site during the years of vacancy, when the buildings are measured from the pre-existing ground, the maximum height would be as much as 80 feet or thirty feet above the maximum allowed in the RM-3-8 Zone. While the height of the flat roofed buildings is much closer to the 50 foot requirement, this increased height in limited areas on the site at specific locations of the building will permit greater flexibility for the design of the roofline, allow for more articulation of the parapets and turrets above the roofline, and an opportunity to increase the amount of open space being provided on the ground by the project. Allowing the deviation to the maximum height also results in an increase of the overall setbacks of the proposed buildings to the adjacent property lines. While the entire project meets the required setback requirements, the increase in allowable building height enables the project to greatly exceed the setback requirements. This further permits greater opportunities for landscaping within the project and along the adjacent



streets of Westview Parkway and Interstate 15. When the density for the project site was designated in the community plan and in the existing Development Agreement, Doc. No. 00-17178, filed November 14, 1988, approximately twenty years ago, there was no height limit for the comparable zone. Height limits within the previous zone were not introduced into the Land Development Code until 2000 when the Land Development Code was last updated. If the buildings were reduced in height by even one entire floor, a project design consisting of the same number of dwelling units and unit floor area or square footage, would occupy an additional 201,110 square feet of site area on the ground or 4.62 acres of land. This would result in a needless reduction in usable open space and building setbacks and is not deemed to be as beneficial to the City and Mira Mesa community as allowing the proposed height deviation.

- b. A deviation to develop less than the required thirty-three percent of the allowable floor area ratio for structured parking. The efficiency of the architectural plan approved for the project results in structured parking that occupies less than the required minimum thirty-three percent of the allowable FAR. In addition, the structured parking will not be visible from any public vantage point. The residential buildings will surround the parking structures. Approving the project with a lower allocation of floor area ratio devoted to the required parking structures will result in greater amount of usable open space available to residents and visitors to the project. The project will provide a maximum of twenty-seven percent of the available floor area ratio for structured parking.
- c. A deviation to allow an eight foot high noise wall within the southerly side yard setback where a maximum height of six feet is otherwise permitted. This setback area is very wide and is measured at fifty-nine feet in width. The noise wall is necessary to protect recreational uses that will be constructed and occur in this location within this setback area.
- d. A deviation to allow the construction of carports for all the parking stalls located on the top deck of each parking structure rather than providing trees in raised containers to meet the tree distribution requirements for parking lots required in the City-wide Landscape Regulations. The purpose of providing trees within parking lots is to create shading of the pavement to reduce the heat island effect of large expanses of pavement. Carports will provide a superior quantity of shading on the parking structure deck when compared to living trees. Trees installed in containers on the top deck of the parking structure will never attain a height and breadth capable of providing an equivalent amount of shade as will be permanently provided by the carports.

As a result of the approved deviations and other design features of the project, the proposed project conforms to the overall policies, regulations and purpose and intent of the Planned Development regulations. The design will result in a more desirable project for the City and the community than would be realized through the strict application of the development regulations at this location.

## Site Development Permit - Section 126.0504

### **A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed multi-family development on the 41.31 acre site is designated for Residential use by the Mira Mesa Community Plan and allows residential development at the densities allowed by the existing RM-3-8 Zone. Being determined the project is consistent with the Progress Guide and General Plan, the Mira Mesa Community Plan, the regulations of the RM-3-8 Zone and the Planned Development Permit regulations, the proposed development will not adversely affect the applicable land use plan. Refer to Planned Development Permit Finding No. 1 above for additional detail.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is included in a Development Agreement, Doc. No. 00-17178, filed November 14, 1988 and as such has or will provide significant public benefits which would not have occurred otherwise. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare. Refer to Planned Development Permit Finding No. 2 above for additional detail.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development complies with the regulations of the RM-3-8 Zone and site-specific development regulations for the property. No deviations or variances are required to approve the proposed project. The proposed development complies with all relevant regulations of the Land Development Code. Refer to Planned Development Permit Finding No. 3 above for additional detail.

### **M. Supplemental Findings—Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings**

**1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.** One hundred eighty-five dwelling units of affordable family housing will be developed as a result of the approval and subsequent construction of the project. One thousand six hundred sixty-three for-sale market rate condominiums will be developed. There will be no discernable distinction between the affordable and market rate units. These project features and goals will provide needed housing and development in an area of the city replete with redevelopment opportunity. The provision of 185 dwelling units affordable to persons at the income range described as sixty-five percent of

the County average median income will contribute in a real and meaningful way towards the goals of providing affordable housing in the City.

**2. The development will not be inconsistent with the purpose or the underlying zone.** The development of 1,848 dwelling units on the proposed site will be consistent with the regulations of the RM-3-8 Zone and all other regulations and policies of the City of San Diego which zone the site for residential use. The purpose of the RM-3-8 Zone is to allow for the provision and development of multiple unit housing in accordance with specific development regulations of the zone in areas designated by the zoning and community plan for multiple family dwelling units. Development of the site with the project will comply with all relevant regulations of the RM-3-8 Zone.

**3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed development complies with the Mira Mesa Community Plan which designates the site for multiple dwelling unit development. The proposed deviations are necessary to maximize the use of the land and to provide the highest quality affordable housing development. The deviations are required due to existing infrastructure adjacent to the site and to the limitations of the zoning regulations. The proposed project includes architectural plans with extensive articulation and fenestration. This level of detail is consistent with the purpose and intent of the planned development regulations; however, in order to implement the site plan and architecture at this site; and to maximize the density and intensity of development at the site to contribute to the housing stock of the City of San Diego, the proposed deviations are granted. All other requirements comply with the regulations which apply to the project site in accordance with the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 294375 and Site Development Permit

No. 294373 is granted to Scripps Mesa Developers, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By

\_\_\_\_\_  
Shirley R. Edwards  
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by John S. Fisher

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 425739

**PLANNED DEVELOPMENT PERMIT NO. 294375 and**  
**SITE DEVELOPMENT PERMIT NO. 294373**  
**CASA MIRA VIEW - PROJECT NO. 91647 [MMRP]**  
**CITY COUNCIL**

This Planned Development Permit No. 294375 and Site Development Permit No. 294373 is granted by the Council of the City of San Diego to Scripps Mesa Owner/Permittees, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600 and 126.0500. The 41.31 acre site is located on the east side of Westview Parkway between Dauntless Street and Mira Mesa Boulevard in the RM-3-7 Zone which is proposed to be rezoned to the RM-3-8 Zone in the Mira Mesa community plan area. The project site is legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the subdivision of land to develop a condominium project with 1,848 condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. The subdivision of land and development of a condominium project with 1,848 condominium units of which 1,663 dwelling units shall be market rate for sale and 185 dwelling units shall be for sale affordable housing units affordable to persons who earn no more than 65% of the area median income;
- b. Four deviations are approved with the project and are described as follows: 1) Maximum building height would be 64 feet 7 inches above the proposed finish grade where 50 feet is otherwise allowed; 2) Develop less than 33% of the minimum required Floor Area Ratio (FAR) for the structured parking. The structured parking FAR would be 27.9%; 3) An eight foot noise wall within the southerly side yard setback, where a

maximum height of six feet is allowed; 4) Allow construction of carports for all parking spaces located on the top deck of each parking structure in lieu of complying with the tree distribution requirements for parking lots.

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved exhibit "A."

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Environmental Impact Report No. 91647, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report No. 91647, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be complied with, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use/Multiple Species Conservation Program
- Traffic/Circulation
- Air Quality
- Public Facilities and Services
- Noise
- Paleontological Resources
- Biological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**ENGINEERING REQUIREMENTS:**

16. The Permit shall comply with the conditions of the Vesting Tentative Map No. 481936.

**LANDSCAPE REQUIREMENTS:**

17. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."



18. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A."

19. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

20. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

22. If any required landscape, including but not limited to existing or new plantings, hardscape, landscape features, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

23. No fewer than 3,387 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

25. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

26. The Owner/Permittee shall post a copy of this permit and Tentative Map in the sales office for consideration by each prospective buyer.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

28. Prior to the issuance of building permits, the Owner/Permittee shall vary the architectural theme and color palette consistent with the approved Exhibit "A," satisfactory to the Development Services Director. Actual color selections may vary at the time of paint application in the field.

### **TRANSPORTATION REQUIREMENTS**

29. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road.

30. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, widening of eastbound and westbound approaches and assure an additional westbound right-turn lane at the intersection of Black Mountain Road and Gold Coast Drive.

31. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Black Mountain Road and Hillery Drive.

32. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall provide a fair-share contribution of \$75,268 toward improvements at the intersection of Black Mountain Road and Carroll Canyon Road, to the satisfaction of the City Engineer.

33. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall either provide a fair-share contribution of \$1,572,000 towards the construction of the I-15 'managed lanes south segment' project or provide a fair-share contribution distributed by building and totaling \$1,572,000 (in 2008 dollars) in the following manner: Prior to the issuance of a building permit for the first residential building permit, the Owner/Permittee shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential unit), the Owner/Permittee shall provide a fair-share contribution of \$700,000 (in 2008 dollars). Prior to the issuance of a building permit for the third building (1621<sup>st</sup> residential unit), the Owner/Permittee shall provide a fair-share contribution of \$172,000 (in 2008 dollars) towards the construction of the I-15 'managed lanes south segment' project. This contribution is to be paid subject to the satisfaction of the City Engineer.

34. Prior to the issuance of a building permit for the second building (811<sup>th</sup> residential dwelling unit), the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a third northbound and a third southbound thru lanes and transitions on Black

Mountain Road from Mercy Road transitioning to four lanes prior to the Penasquitos Canyon Creek Bridge.

35. Prior to the issuance of a building permit for the first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, an extension of the westbound dual-left turn lanes on Mira Mesa Boulevard as well as provide striping, signing, and modifications to increase the storage for the southbound left turn lanes on Westview Parkway in order to increase the capacity of this intersection and increase the capacity of street segments on Mira Mesa Boulevard.

36. Prior to the issuance of a building permit for the second building (811th residential unit), the Owner/Permittee shall provide a private shuttle service as part of the Transportation Demand Management Plan connecting the project to existing shopping opportunities at Mira Mesa Marketplace Center and transit connections on Mira Mesa Boulevard and Black Mountain Road subject to the satisfaction of the City Engineer. This shuttle shall have two stops on the project site and shall be limited to residents and guests of the development. The shuttle shall carry no fewer than 16 passengers and shall conform to the requirements of the American with Disabilities Act (ADA accessible). The shuttle shall maintain 15 minute headways in weekday peak hours. Days, hours of operation, and routing are to be satisfactory to the City Engineer.

37. Prior to the issuance of a building permit for first residential dwelling unit, the Owner/Permittee shall assure, to the satisfaction of the City Engineer, construction of a traffic signal at the intersection of Westview Parkway and the project's main access, relocation of the park driveway to be located at the signalized location, re-striping of Westview Parkway to accommodate the signal, and a signal interconnect between the existing signals on Westview parkway at Galvin/Westview parkway at Capricorn and the new signalized project access on Westview parkway.

38. Prior to the issuance of a building permit for the third building (1621st dwelling unit) the Owner/Permittee shall provide, to the satisfaction of the City Engineer, an improvement for a connection to the existing public road and signal at Galvin Avenue and Westview Parkway to provide a second signalized access to the project.

#### **WASTEWATER REQUIREMENTS:**

39. All onsite sewer facilities will be private.

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

41. Prior to the issuance of any occupancy permit, the Owner/Permittee shall abandon the existing onsite public sewer main in the south portion of this lot or it will be converted to private, satisfactory to the Director of Public Utilities. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

42. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

43. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

44. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

45. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

**WATER REQUIREMENTS:**

46. Prior to the approval of any public improvement drawings, the Owner/Permittee shall provide acceptable potable and reclaimed water studies satisfactory to the Public Utilities Director. The studies shall plan the pressure zone(s) and water facilities necessary to serve this development, including potable redundancy, consistent with previously accepted studies in this area. If phasing of the development is proposed, then a phasing plan shall be included in the studies.

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal of all existing unused services within the proposed driveway easement access, in a manner satisfactory to the Public Utilities Director and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any building permits, the Owner/Permittee shall grant additional widened easement to include the proposed alignment of the driveway entrance, fire lane and portions of the northwest driveway which contain the existing water main and all associated water appurtenances including but not limited to the water and fire services, on-site fire hydrants, et cetera, in a manner satisfactory to the Public Utilities Director and the City Engineer.

50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

51. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

52. Prior to issuance of any building or construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of recycled water services to provide connection to the recycled water system to be used for all irrigation and construction needs of the project as approved by the Public Utilities Director and the City Engineer. If recycled water is not yet available, then the irrigation systems shall be designed in such a manner as to accept recycled water when available and avoid any potential cross connections.

53. Prior to issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to provide connection to the recycled water system to be used for all irrigation needs of the project.

54. Prior to issuance of any building permits, the Owner/Permittee shall provide the Covenants, Conditions and Restrictions (CC&R's) that will be used by the Casa Mira View Homeowners Association for the operation and maintenance of all the private water recycling lines and appurtenances that serve the site. The CC&R's must also include LEED certified water conservation measures or equivalent and WaterSense or Energy Star appliances.

55. The Owner/Permittee shall design and construct all proposed buildings in compliance with the State of California 2007 California Green Building Standards Code, CCR, Title 24, Part 11 or comparable for water conservation measures which achieves a 20% improvement in water use efficiency for residential and commercial plumbing fixtures over the building code in effect as of the date of preparation of the Water Supply Assessment.

56. The Owner/Permittee agrees to design and construct all proposed buildings to include LEED certified or equivalent water conservation measures and Water Sense or Energy Star Appliances as approved by the Public Utilities Director and the City Engineer. These measures shall reduce the overall water demand by a minimum of 7.5 %.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Council of the City of San Diego on [date and resolution number] .

Permit Type/PTS Approval No.: PDPermit No. 294375  
and SDP No. 294373

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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Kelly Broughton  
Director  
Development Services

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1180 et seq.**

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**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

**Scripps Mesa Owner/Permittees, LLC**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**Scripps Mesa Owner/Permittees, LLC**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

(O-INSERT~)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 56.30 ACRES LOCATED ON THE EAST SIDE OF WESTVIEW PARKWAY, NORTH OF MIRA MESA BOULEVARD, WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-3-7 ZONE INTO THE RM-3-8 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0400; AND REPEALING ORDINANCE NO. 0-18451 (NEW SERIES), ADOPTED DECEMBER 9, 1997, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 56.30 acres located on the east side of Westview Parkway, north of Mira Mesa Boulevard, and legally described as Parcels 1 through 6, inclusive, of Parcel Map No. 16194, filed August 21, 1990, in the Office of the County Recorder, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4269, filed in the office of the City Clerk as Document No. OO-\_\_\_\_\_, are rezoned from the Residential Base zones into the Residential Base zones, as the RM-3-8 zone is described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. 0-18451 (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL AGUIRRE, City Attorney

By \_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

Initials~

Date~

Or.Dept: INSERT~

Case No. 91647

O-INSERT~

Form=inloto.frm(61203wct)



PLANNING COMMISSION RESOLUTION NO. 4449-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE PROPOSED Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373  
**CASA MIRA VIEW, PTS# 91647**

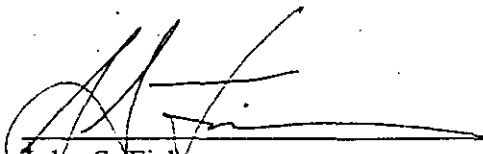
WHEREAS, on October 2, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval and adoption of Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373; and


WHEREAS, Scripps Mesa Developers, LLC, Applicant requested Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373 for the purpose of subdividing and developing 41.31 acres with 1,848 dwelling units and other site amenities; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW  
**THEREFORE,**

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of The City of San Diego approval and adoption of the Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Diego hereby recommends to the Council of the City of San Diego approval and adoption of the Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373 and incorporate all other listed actions.

  
John S. Fisher  
Development Project Manager  
Development Services

  
Elisa Contreras  
Secretary to the Planning  
Commission

Dated October 2, 2008  
By a vote of: 4:0:0

Planning Commission Minutes for meeting of October 2, 2008,  
were unavailable at the time back-up material was processed.